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## Ambient Air Protection Act<sup>1</sup>

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RT I 2004, 43, 298

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Amended by the following acts

Passed	Published	Entry into force
22.02.2005	RT I 2005, 15, 87	03.04.2005
08.02.2007	RT I 2007, 19, 95	11.03.2007, subsection 32 (4) – 30.04.2007, § 120 <sup>2</sup> is implemented since 01.01.2009
14.11.2007	RT I 2007, 62, 396	16.12.2007
18.12.2008	RT I 2009, 3, 15	01.02.2009
12.03.2009	RT I 2009, 19, 118	06.04.2009
15.06.2009	RT I 2009, 39, 262	24.07.2009
30.09.2009	RT I 2009, 49, 331	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24–26).
13.05.2010	RT I 2010, 26, 130	05.06.2010
20.05.2010	RT I 2010, 31, 158	01.10.2010
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17.06.2010	RT I 2010, 44, 261	01.01.2011, date of entry into force changed
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16.06.2011	RT I, 05.07.2011, 25	15.07.2011
06.12.2011	RT I, 21.12.2011, 1	31.12.2011
14.06.2012	RT I, 04.07.2012, 4	15.07.2012, partially 01.01.2013 and 01.03.2013
07.11.2012	RT I, 15.11.2012, 3	01.01.2013 the words "possessor of source of pollution" have been replaced in the text by the words "operator of source of pollution" and the words "possessor of combustion plant" and "possessor of plant" by the words "operator of combustion plant".
24.04.2013	RT I, 16.05.2013, 1	01.06.2013
20.06.2013	RT I, 12.07.2013, 1	01.08.2013

# Chapter 1 GENERAL PROVISIONS

## Division 1 Scope of Application and General Provisions

### § 1. Purpose and scope of application of Act

(1) The principal objective of this Act is to maintain the quality of the ambient air in areas where it is good and to improve the quality of the ambient air in areas where it does not conform to the requirements provided by this Act.

(2) This Act regulates the operations which involve the affecting of the ambient air by chemical or physical exposure, damage to the ozone layer or appearance of factors which cause climate change.

(3) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

### § 2. Ambient air

Ambient air is outdoor air in the troposphere, excluding working environment.

### § 3. Affecting of ambient air by chemical exposure

Affecting of ambient air by chemical exposure is the alteration of the composition of pure ambient air by emission of pollutants.

### § 4. Pollutant

A pollutant is any substance present in the ambient air and likely to have harmful effects to human health or the environment.

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

### § 5. Affecting of ambient air by physical exposure

Affecting of ambient air by physical exposure is affecting of air by noise, ionising radiation, non-ionising radiation, ultrasound or infrasound.

### § 6. Unfavourable meteorological conditions

Unfavourable meteorological conditions for the purposes of this Act are the conditions which favour the accumulation of pollutants in the air layer near the ground, such as mutual conjunction of temperature inversion in the air layer immediately above the ground, absence of vertical turbulence and wind speed from zero to two metres per second.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

### § 7. Source of pollution

(1) For the purposes of this Act, a source of pollution is a source which directs or emits pollutants, noise, ionising or non-ionising radiation, infrasound or ultrasound into the ambient air. Sources of pollution are divided into stationary and mobile sources of pollution.

(2) A stationary source of pollution is a single source of pollution with a permanent location, including sources of pollution which location is changed at certain intervals, or a group of sources of pollution located within the same production area.

(3) A mobile source of pollution is a source of pollution without a permanent location which, simultaneously with emitting pollutants into the ambient air, may change its location.

### § 7<sup>1</sup>. Production area

For the purposes of this Act, production area is an area necessary for the operation of an installation which comprises one or more land units where the sources of pollution are located and which is operated by one or more operators.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

## **§ 7<sup>2</sup>. Emission**

(1) For the purposes of this Act, emission means direct or indirect emission of pollutants, odour, noise, infrasound or ultrasound from a source of pollution into the ambient air.

(2) For the purposes of this Act, sudden emission means drastically increased single emissions released into the ambient air from a stationary source of pollution which may cause the hourly average limit value of the level of pollution of the ambient air established with respect to such pollutant for the protection of human health on the basis of §§ 26 and 27 of this Act to be exceeded for a short period of time.

(3) For the purposes of this Act, sudden technological emission means the sudden emissions caused by technology, including periodic sudden emissions during equipment start-up and shut-down periods, which duration is prescribed in the production process technology formula and which in general shall not exceed more than three times the emissions permitted in the normal operating mode of the equipment.

(4) For the purposes of this Act, accidental sudden emission means unplanned sudden emissions caused by breakdown of technical systems, abatement equipment or failure of production technology.  
[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

## **§ 8. Level of pollution of ambient air**

The level of pollution of ambient air is the content of a pollutant per unit of ambient air volume at 293 Kelvins or the deposition of a pollutant on one square meter of ground during a certain period of time.  
[RT I 2007, 19, 95 - entry into force 11.03.2007]

## **§ 9. Limit value of level of pollution**

Limit value of the level of pollution is the permissible volume of a pollutant per unit of volume of ambient air which objective is to avoid, prevent or reduce the harmful effects of the pollutant on human health or environment.  
[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

## **§ 9<sup>1</sup>. Critical level of pollution**

Critical level of pollution is the volume of a pollutant per unit of volume of ambient air above which direct adverse effects may occur on ecosystems or parts thereof, except on humans.  
[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

## **§ 9<sup>2</sup>. Limit value of exposure concentration obligation**

The limit value of exposure concentration obligation, which aim is to reduce harmful effects of pollutants on human health, is a level determined on the basis of the average exposure indicator of the volume of a pollutant per unit of volume of ambient air.  
[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

## **§ 10. Margin of tolerance**

Margin of tolerance is the percentage of the limit value of pollution by which the established limit value may temporarily be exceeded under the conditions provided by this Act.  
[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

## **§ 11. Alert threshold**

Alert threshold is a volume of a pollutant per unit of volume of ambient air beyond which there is a risk to human health even from brief exposure and at which immediate steps shall be taken to protect human health.

## **§ 12. Notification threshold**

Notification threshold is a level of pollution beyond which the person continuously monitoring pollution levels is required to notify the population or sensitive groups of the population of the need to apply safeguard measures. The sensitive groups of the population are the children, the sick and the elderly and pregnant women.  
[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

### § 13. Target value

Target value is a volume of a pollutant per unit of volume of ambient air to be attained over a specified period or as quickly as possible and with the aim of improving the quality of ambient air and avoiding harmful effects on human health.

## Division 2 Quality of Ambient Air

### § 14. Assessment of ambient air quality

(1) Ambient air quality is described by the characteristics of the composition of ambient air which are assessed on the basis of the ambient air pollution level.

(2) Assessment of ambient air quality is the measurement, calculation, objective assessment or estimation of the ambient air pollution levels.

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

(3) The following factors shall be taken into account upon assessment of ambient air quality:

- 1) possibility of harmful effects of pollutants, harmfulness of pollutants for the purposes of the Chemicals Act and incidence of pollutants and in particular the action of the pollutants which cause irreversible effects on human health and the environment as a whole;
- 2) content of pollutants in the ambient air;
- 3) environmental transformations related to the content of pollutants in the ambient air which may lead to production of more dangerous chemicals;
- 4) persistence of pollutants in the environment, if the pollutant is not biodegradable and can accumulate in human body or in the environment.

(4) Measurement of the content of pollutants in the ambient air is the taking of samples and the analysis thereof. The measurements shall be performed by a competent measurer for the purposes of the Metrology Act.

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

### § 15. Primary pollutants

(1) The primary pollutants to be considered upon assessment and control of ambient air quality at the state level are:

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

- 1) sulphur dioxide;
- 2) nitrogen dioxide and oxides of nitrogen which is the sum of the volume of nitrogen monoxide and nitrogen dioxide calculated as nitrogen dioxide;

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

- 3) fine particulate matter PM<sub>10</sub> which passes through a size-selective inlet with a 50 per cent efficiency cut-off at ten micrometer aerodynamic diameter;

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

- 4) very fine particulate matter PM<sub>2.5</sub> which passes through a size-selective inlet with a 50 per cent efficiency cut-off at 2.5 micrometer aerodynamic diameter;

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

- 5) lead;
- 6) ozone;
- 7) benzene;
- 8) carbon monoxide;
- 9) polycyclic aromatic hydrocarbons including benzo(a)pyrene;
- 10) cadmium;
- 11) arsenic;
- 12) nickel;
- 13) mercury.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

(2) The aerodynamic diameter of the fine particulate matter PM<sub>10</sub> and very fine particulate matter PM<sub>2.5</sub> specified in clauses (1) 3) and 4) of this section characterises a spherical particle of the density of one gramme per cubic centimetre, which has the same velocity as real particles, regardless of the form, size and density of such particle.

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

(3) The polycyclic aromatic hydrocarbons specified in clause (1) 9) of this section include organic compounds which consist of at least two conjugated aromatic rings containing only carbon and hydrogen.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

## **§ 16. Methods for determination of ambient air pollution levels**

In areas where continuous measurement of the ambient air pollution levels is not requisite, ambient air quality objective assessment or modelling techniques may be used besides direct measurements.

## **§ 17. Measurements taken at fixed sites**

Measurements of ambient air pollution levels at the state, local government body or operator level shall be taken at fixed sites by either continuous or regular sampling on the basis of the Environmental Monitoring Act or with the frequency and at the sites determined by ambient air pollution permits or integrated environmental permits.

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

## **§ 18. Combination of results of random measurements and modelling techniques**

[Repealed- RT I, 05.07.2011, 24 - entry into force 15.07.2011]

## **§ 19. Obligation to carry out continuous measurements in densely populated areas**

Continuous measurement of the ambient air pollution levels at the state or local government level is mandatory in densely populated areas where it becomes evident from the results of random measurements or modelling collected during a period of five years prior to the assessment that the content of primary pollutants in the ambient air exceeds the upper assessment threshold of the ambient air quality specified in § 24 of this Act.

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

## **§ 20. Procedure for determination of ambient air pollution levels**

The procedure for determination of ambient air pollution levels shall be established by a regulation of the Minister of the Environment.

## **§ 21. Division of territory of state into zones according to ambient air quality**

(1) The territory of the state is divided into zones according to the ambient air quality.

(2) For the purposes of this Act, a densely populated area is a city with a population of at least 250,000 inhabitants or an industrial area with a smaller population located within the territory of not more than one local government where the results of measurements taken at fixed sites during a period of five years prior to the assessment show a material deterioration of the ambient air quality. Densely populated areas with a justified need for ambient air quality to be assessed and controlled shall be approved by a regulation of the Minister of the Environment.

(3) The division of the territory of the state into zones according to the content of various pollutants in the ambient air shall be approved by a regulation of the Minister of the Environment. The Minister of the Environment shall review and, if necessary, amend the division into zones at least once every five years or more frequently, if significant changes take place in an operation affecting, in the ambient air, the content of the primary pollutants specified in § 15 of this Act.

(4) In areas where the measurements provided by fixed measurement stations are supplemented by data submitted by other persons in possession of environmental information, a number of fixed measurement stations shall be installed and a spatial resolution for assessment methods sufficient for determination of the pollution levels shall be ensured at the state or local government body level.

## **§ 22. Urban background locations**

Urban background locations are such places in urban areas where ambient air pollution levels are representative of the exposure of the general urban population.

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

## **§ 23. Objective assessment of ambient air quality**

Objective assessment and modelling of the ambient air quality is based on the information characterising the pollution sources present in the area, raw materials and technology used there, the gases released into the ambient air, pollutants present in the gases and the emissions thereof.

## **§ 24. Upper and lower ambient air quality assessment thresholds and detection of exceeding thereof**

(1) Upper assessment threshold of ambient air quality is a level below which continuous measurements, modelling or random measurements may be used in combination for determination of the ambient air pollution levels in an area.

(2) Lower assessment threshold of ambient air quality is a level below which only modelling or objective assessments may be used for determination of the pollution levels in the ambient air in an area.

(3) Exceeding of upper and lower assessment thresholds shall be determined on the basis of the pollutant content measured during the previous five years where sufficient pollution level data are available. An assessment threshold shall be deemed to have been exceeded if it has been exceeded during at least three separate years out of the previous five years.

(4) Where the data of the pollution levels are available for a period of less than five years prior to the assessment, the results of the measurements during the period of one and the same year and at locations likely to be typical of the highest pollution levels may be combined with the results obtained from information received from emission inventories and modelling to determine exceeding of the upper and lower assessment thresholds. [RT I, 05.07.2011, 24 - entry into force 15.07.2011]

## **§ 25. Average exposure indicator and reduction target thereof**

(1) Average exposure indicator is an average level of pollution in the ambient air determined on the basis of measurements at urban background locations which reflects the population exposure to very fine particulate matter PM<sub>2.5</sub>.

(2) The reduction target of the exposure to very fine particulate matter PM<sub>2.5</sub> is a percentage reduction of the average exposure indicator of the population set for the reference year by a regulation of the Minister of the Environment on the basis of § 26 of this Act.

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

## **§ 26. Establishment of limit values and target values of ambient air pollution, other limit values of content of pollutants and terms for reaching such values**

In consideration of the effects of primary pollutants on human health and the environment, the Minister of the Environment shall establish by a regulation the following limit values and target values of ambient air pollution, other limit values of content of pollutants and terms for reaching such values:

- 1) limit values of the level of pollution;
- 2) target values of the level of pollution;
- 3) margins of tolerance;
- 4) alert threshold;
- 5) long-term targets for the content of pollutants;
- 6) notification threshold;
- 7) critical level of pollution;
- 8) exposure reduction targets;
- 9) exposure concentration obligation limit value;
- 10) other necessary limit values of the content of pollutants.

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

## **§ 27. Establishment of limit values of ambient air pollution for pollutants which are not of primary importance**

The Minister of the Environment may establish by a regulation the limit values of ambient air pollution for pollutants which are not of primary importance.

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

## **§ 28. More stringent limit values of levels of pollution established for protection of health of sensitive groups of population**

In consideration of the different adaptation capabilities of human organisms, the Minister of the Environment may establish, at the proposal of the Health Board, more stringent limit values for the levels of pollution than the limit values provided for in § 26 of this Act for the protection of the health of sensitive groups of population, and such limit values shall apply on the territories of the following institutions:

[RT I 2009, 49, 331 - entry into force 01.01.2010]

- 1) health care institutions;
- 2) social welfare institutions;
- 3) nursery schools;
- 4) schools.

## **§ 29. More stringent limit values of levels of pollution established for protection of ecosystems**

[Repealed- RT I, 05.07.2011, 24 - entry into force 15.07.2011]

### **§ 30. Consideration of specific formation mechanism of tropospheric ozone**

In consideration of the specific formation mechanism of tropospheric ozone, the Minister of the Environment may also establish, in addition to the alert threshold of ozone content, a target value of ozone levels, a notification threshold of ozone content and long-term targets for the content of ozone in the troposphere.

### **§ 31. Determination of nitrogen oxides and volatile organic compound content**

(1) Upon measurement of the pollutants which cause the formation of ozone, at least the content of nitrogen oxides and volatile organic compounds promoting the formation of ozone shall be determined.

(2) Volatile organic compounds, other than methane, are organic compounds from anthropogenic and biogenic sources that are capable of producing photochemical oxidants by reactions with nitrogen oxides in the presence of sunlight.

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

### **§ 31<sup>1</sup>. Determination of polycyclic aromatic hydrocarbons content in ambient air**

In consideration of the effects of benzo(a)pyrene on human health, random determination of the content of other polycyclic aromatic hydrocarbons, including benz(a)anthracene, benzo(b)fluoranthene, benzo(j)fluoranthene, benzo(k)fluoranthene, indeno(1,2,3-cd)pyrene and dibenz(a)anthracene, shall be also performed upon assessment of this pollutant in the ambient air in the course of the monitoring at the state level.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

### **§ 31<sup>2</sup>. Determination of deposition of heavy metals and polycyclic aromatic hydrocarbons**

(1) Irrespective of the content of arsenic, cadmium, nickel, total gaseous mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons specified in § 31<sup>1</sup> of this Act in the ambient air, the person monitoring at the state level shall also determine in at least one measuring station the total deposition of such substances.

(2) Total gaseous mercury is elemental mercury vapour and reactive gaseous mercury, i.e. water-soluble mercury species with sufficiently high vapour pressure to exist in the gas phase.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

### **§ 32. Special requirements for handling paints, varnishes and refinishing products for vehicles containing volatile organic compounds**

(1) The Minister of the Environment shall establish by a regulation the subcategories of paints, varnishes used as coating materials of buildings, finishing parts thereof and functional, decorative and protection structures connected therewith and containing volatile organic compounds, except for aerosols, and refinishing products of vehicles and parts thereof used outside manufacturing equipment for the purpose of repairs, protection or decoration, the limit values of volatile organic compound content, the terms for the application of the limit values and the methods used for determination of conformity with the limit values.

(2) The provisions of the Chemicals Act apply to the chemicals specified in subsection (1) of this section and to handling thereof, taking account of the specifications provided for in this Act.

(3) The following information shall be appended to the labelling of the chemicals specified in subsection (1) of this section:

- 1) the subcategory of the chemical and the limit values of volatile organic compound content in grams per litre corresponding to the subcategory;
- 2) the maximum volatile organic compound content in grams per litre of the product in a ready to use condition which contains solvents or other components containing solvents;
- 3) the date on which the product is placed on the market for the purposes of the Product Conformity Act.

[RT I 2010, 31, 158 - entry into force 01.10.2010]

(4) The Environmental Board shall issue permits as an exception for the marketing of chemicals not in compliance with the volatile organic compound content limit values and specified in subsection (1) of this section for the purposes of restoration and maintenance of buildings and vintage vehicles of historical and cultural value, including for taking thereof to the territory of the European Community and the use thereof.

[RT I 2009, 3, 15 - entry into force 01.02.2009]

(5) The issuer of permits may refuse to issue the permit specified in subsection (4) of this section if:

- 1) the applicant for the permit has submitted inaccurate information;
- 2) the buildings or vintage vehicles for the restoration or maintenance of which the permit is applied for does not have historical and cultural value;

- 3) the applicant is unable to prove that the use of other chemicals is technically impossible or economically inexpedient;
- 4) the quantity of the chemicals applied for is unreasonably big taking into consideration the intended restoration or maintenance;
- 5) the emissions of the pollutants released upon use of the chemicals may, based on a preliminary estimate of the Environmental Board or local governments, cause the exceeding of the average hourly limit value of ambient air pollution in densely populated areas;  
[RT I 2009, 3, 15 - entry into force 01.02.2009]
- 6) the applicant does not use the best available techniques;
- 7) the use of the chemicals puts a serious risk on human health or the environment.

(6) The procedure for application for and issue of permits for exceptional marketing and use of the chemicals specified in subsection (1) of this section and the format of the application for permit and the permit shall be established by a regulation of the Minister of the Environment.

(7) The Environmental Board shall publish the permit for exceptional marketing and use of the chemicals specified in subsection (1) of this section on its website.  
[RT I 2009, 3, 15 - entry into force 01.02.2009]

(8) For the purpose of monitoring, the person who obtained the permit for exceptional marketing and use of the chemicals specified in subsection (1) of this section shall provide the issuer of the permit with written information concerning the marketed or used chemicals no later than within 30 days as of the termination of the operations. The information shall contain the following data:

- 1) the name, personal identification code or registry code and place of residence or seat of the person.
- 2) the subcategory of the chemical and the name of the operations involving such chemical;
- 3) the date of the initiation and termination of the operations;
- 4) the quantity of the chemical in kilograms;
- 5) the maximum volatile organic compounds content in grams per litre of the chemical.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

### **§ 32<sup>1</sup>. Supervision over requirements for paints, varnishes and refinishing products for vehicles containing volatile organic compounds**

Supervision over compliance with the requirements for paints, varnishes and refinishing products for vehicles containing volatile organic compounds specified in subsection 32 (1) of this section shall be exercised by:

[RT I 2007, 19, 95 - entry into force 11.03.2007]

- 1) the Environmental Inspectorate – over compliance with the requirements for use of paints, varnishes and refinishing products for vehicles containing volatile organic compounds;
- 2) the Consumer Protection Board – over compliance with the requirements for labelling of paints, varnishes and refinishing products for vehicles containing volatile organic compounds at retail sale;
- 3) the Tax and Customs Board – over compliance with the requirements for import of paints, varnishes and refinishing products for vehicles containing volatile organic compounds;

[RT I 2007, 19, 95 - entry into force 11.03.2007]

- 4) the Health Board – over compliance with the requirements for labelling of paints, varnishes and refinishing products for vehicles containing volatile organic compounds at wholesale.

[RT I 2009, 49, 331 - entry into force 01.01.2010]

### **§ 33. Measures by operators of sources of pollution for reduction of emissions of pollutants in case of exceeding limit values or target values of pollution levels**

If the limit value or target value of the pollution levels in the air layer near the ground of the area around a source of pollution is exceeded, the operator of the source of pollution shall apply measures for reduction of the emissions of pollutants in order to bring the level of pollution in conformity with the limit values or target values of pollution levels.

### **§ 34. Substances with annoying or irritant odour**

(1) For the purposes of this Act, a substance with annoying or irritant odour (hereinafter *odoriferous substances*) shall mean a substance or mixture of substances which may cause the population to experience undesirable sensations of odour and was emitted into the ambient air as a result of human activity.

(2) The presence of odoriferous substances in the ambient air shall be established by the expert group formed for the determination of the presence of odoriferous substances.

(3) The procedure for the formation of an expert group for determination of the presence of odoriferous substances and the requirements for the members thereof shall be established by a regulation of the Minister of the Environment.

(4) Internationally recognised methods for determination of the presence of odoriferous substances shall be used for assessment of the presence of odoriferous substances in the ambient air.



(5) The procedure for determination of the presence of odoriferous substances and the list of methods to be used for such purposes shall be established by a regulation of the Minister of the Environment.

(6) The expert group for determination of the presence of odoriferous substances shall assess the presence of odoriferous substances in the ambient air and in the case the presence of odoriferous substances is ascertained, the operator of the source of pollution emitting the odoriferous substance shall prepare an action plan for reducing the odoriferous substance.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

(6<sup>1</sup>) An action plan for reducing the levels of odoriferous substances shall set out a list of intended measures, including the cost of such measures, the persons who apply the measures and the term for application thereof.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

(6<sup>2</sup>) The operator of a source of pollution shall submit the plan of action for reducing the levels of odoriferous substances for approval to the Environmental Board.

[RT I 2009, 3, 15 - entry into force 01.02.2009]

(7) Compliance with the action plan specified in subsection (6) of this section shall be verified by the Environmental Inspectorate.

(8) Based on the presence of odoriferous substances in the ambient air, the possessors of sources of pollution whose industrial, agricultural or other activities cause or are likely to cause the excretion or spreading of odours or irritating perception of odour to the population shall apply additional measures for reduction of the emissions of odoriferous substances.

(9) The combined effect of installations in a production area where installations of several operators are located is calculated in such a manner that the population shall not be caused to experience undesirable sensations of odour upon total release of pollutants from the sources of pollution of all the installations.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

### **§ 35. Approximate safe levels of pollutant content**

(1) The approximate safe level of pollutant content is the permissible volume of a pollutant per unit of volume of ambient air established, taking account of the effect of the pollutant to the population and the environment.

(2) If the Minister of the Environment has not established an average hourly limit value of pollution of the ambient air with regard to the pollutant to be emitted from a source of pollution and the Government of the Republic has not established a limit value for the content of the chemical substance during a working day in the air of the working environment pursuant to the Occupational Health and Safety Act, the operator of the source of pollution is required to submit to the Ministry of the Environment the data necessary for estimation of the approximate safe levels of the pollutant.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

(3) A list of data necessary for determining the approximate safe levels of pollutant content in the ambient air shall be established by a regulation of the Minister of the Environment.

(4) The Ministry of the Environment assesses the data submitted in compliance with subsection (2) of this section and grants written consent to use the approximate safe level of the pollutant content in the diffusion equation for a pollutant in the air layer near the ground instead of the average hourly limit value of pollution.

### **§ 36. Severely polluted ambient air**

Ambient air is deemed to be severely polluted and the limit value of pollution is deemed to be exceeded upon continuous monitoring of the quality of the ambient air of an area if:

[RT I 2007, 19, 95 - entry into force 11.03.2007]

1) the level of pollution by sulphur dioxide has exceeded the average hourly limit value of pollution established for the protection of human health on more than 24 occasions or has exceeded the average 24-hour limit value of pollution on more than three occasions during a calendar year;

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

2) the level of pollution by nitrogen oxides exceeded the hourly limit value of pollution established for the protection of human health on more than 18 occasions during a calendar year;

3) the level of pollutants which are not of primary importance to ambient air assessment exceeds the average 24-hour limit value during 18 twenty-four hour periods in a calendar year or during two twenty-four hour periods in a calendar month, or if the content of a pollutant in 5 per cent of the samples collected during a twenty-four hour period exceeds the average hourly limit value to an extent of more than 30 per cent;

4) the level of pollution by fine PM<sub>10</sub> particulate matter exceeded the 24-hour limit value of pollution established for the protection of human health on more than 35 occasions during a calendar year.

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

### **§ 36<sup>1</sup>. Contributions from natural sources**

(1) Contributions from natural sources are emissions of pollutants into the ambient air not caused directly or indirectly by human activities but by natural processes such as volcanic eruptions, seismic and geothermal phenomena, wild-land fires, high-wind events, sea sprays or the atmospheric re-suspension or transport of natural particles from dry regions.

(2) The person continuously monitoring the quality of ambient air at the state level shall submit to the European Commission a list with regard to the reference year of the regions where exceeding of limit values of pollution is attributable to natural sources. The person monitoring shall provide information on concentrations and sources of pollutants and the evidence demonstrating that the exceeding of limit values is attributable to natural sources.

(3) If the European Commission has been informed of exceeding of limit values of pollution attributable to natural sources pursuant to subsection (2) of this section, that exceeding shall not be considered as exceeding of the limit values of pollution levels.

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

### **§ 36<sup>2</sup>. Exceeding of limit values of pollution levels in connection with winter de-icing of roads**

(1) The person continuously monitoring the quality of ambient air at the state level shall identify during the monitoring the regions where the limit values of the content of fine PM<sub>10</sub>particulate matter in the ambient air is exceeded during winter de-icing of roads due to re-suspension of fine particulates.

(2) The person continuously monitoring the quality of ambient air at the state level shall submit to the European Commission a list of such regions together with information on the content of fine PM<sub>10</sub>particulate matter in the ambient air and the sources thereof and the evidence demonstrating that the exceeding of the limit values of pollution levels is attributable to re-suspension of fine PM<sub>10</sub>particulate matter during winter de-icing of roads and that reasonable measures have been taken to lower the ambient air pollution levels.

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

## **Division 3 Information of Public of Ambient Air Pollution**

### **§ 37. Compilation of results of continuous monitoring and communication thereof to public**

(1) The person continuously monitoring ambient air pollution levels at the state, local government or operator level shall consolidate the monitoring results pursuant to the procedure provided by the Environmental Monitoring Act and inform the public of the presence of pollutants in the ambient air and deposition of pollutants on the ground by means of radio, television, newspapers, electronic information board or the Internet.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

(2) Information on deposition shall cover the following pollutants:

- 1) arsenic;
- 2) cadmium;
- 3) mercury;
- 4) nickel;
- 5) polycyclic aromatic hydrocarbons.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

### **§ 38. Frequency of updating of information**

(1) In the case of essential changes in the pollutant content of the ambient air, the information concerning the pollutant content shall be updated at least once a day, information concerning the content of sulphur dioxide, nitrogen dioxide or ozone in the ambient air shall be updated at intervals of one hour, and information concerning the content of lead in the ambient air shall be updated at intervals of three months.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

(2) Information concerning the content of arsenic, cadmium, nickel, total gaseous mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons specified in § 31<sup>1</sup> of this Act in the ambient air and deposition thereof on the ground shall be updated at least once a year.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

### **§ 39. Content of information subject to communication**

(1) The information subject to communication shall contain, where possible, the following:

- 1) information concerning the pollution levels and alert thresholds of pollutants exceeding the limit values or target values;

- 2) information concerning the content of ozone exceeding the long-term targets or target values for ozone;
- 3) information concerning the content of ozone exceeding the notification threshold or alert threshold;
- 4) short estimation of the reasons for pollution levels exceeding the limit values or target values, and the impact thereof on human health.

(2) The information communicated pursuant to subsection (1) of this section shall contain information on a recording period with regard to which the limit values of the pollution levels, target values of the pollution levels, long-term targets for the content of ozone or target values for ozone are applied.

#### **§ 40. Information communicated in case of content of pollutants exceeding alert thresholds**

In the case the content of a pollutant exceeds the alert threshold, the Environmental Board shall inform the public by means of radio, television or newspaper. The information communicated to the public shall include information on the recorded levels of pollutants in the ambient air and the reasons and duration of the pollution. [RT I 2009, 3, 15 - entry into force 01.02.2009]

#### **§ 41. Content of information communicated in case of sulphur dioxide and nitrogen dioxide exceeding alert thresholds**

If the case the content of sulphur dioxide or nitrogen dioxide exceeds the alert threshold, the following shall be communicated to the public:

- 1) the date, time and place of exceeding the alert threshold, and the reason for excess pollution, if known;
- 2) a forecast on change in the pollutant content and in particular, concerning the improvement, stabilising or deterioration of the situation in the area together with information concerning the reasons for the change and the duration of the pollutant content exceeding the alert threshold;
- 3) groups of population sensible to pollutant concentrations which exceed the alert threshold;
- 4) safety measures to be taken by the sensitive groups of population.

#### **§ 42. Information submitted in case of ozone content exceeding notification threshold or alert threshold**

In the case the ozone content exceeds the information threshold or alert threshold, the Environmental Board shall immediately communicate the following to the public: [RT I 2009, 3, 15 - entry into force 01.02.2009]

- 1) the place of exceeding the threshold or the areas where the notification threshold or alert threshold is exceeded, the time and approximate duration of excess pollution, and the highest hourly content and the average eight hour content of ozone in the ambient air;
- 2) a forecast for the following days, in particular concerning the expected improvement, stabilising or deterioration of the situation in the area where the notification threshold or alert threshold is exceeded;
- 3) possible impact of ozone to human health, a description of the symptoms, recommended action and precautions to take;
- 4) groups of population at risk;
- 5) sources of more specific information;
- 6) main sources of pollution, measures to be taken for preventing or decreasing pollution and recommendations to the operator of the source of pollution for application of measures to decrease emissions of pollutants.

#### **§ 42<sup>1</sup>. Content of information in case of exceeding of target levels for arsenic, cadmium, nickel and benzo(a)pyrene**

In the case the target levels for arsenic, cadmium, nickel and benzo(a)pyrene are exceeded, the person monitoring the quality of ambient air shall disclose:

- 1) data on the exceeding of target levels per calendar year;
- 2) the place of exceeding the alert threshold, and the reason for excess pollution, if known;
- 3) a short assessment of the exceeding of the target values and appropriate information regarding the effects thereof on human health and impact on the environment. [RT I 2007, 19, 95 - entry into force 11.03.2007]

## **Division 4 Pollutant Emission Allowances and Methods for Assessment of Emissions**

#### **§ 43. Pollutant emission allowances**

(1) The emission allowance of a pollutant is a calculated standard per unit of time at which the amount of pollutants emitted or released into the ambient air from a stationary source of pollution or from all sources of pollution located within a single production area shall not cause the hourly average limit value of the level of

pollution of the ambient air established with regard to such pollutant for the protection of human health on the basis of §§ 26 and 27 of this Act to be exceeded on the boundary of and outside the production area of the installation.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

(1<sup>1</sup>) Combined effect of installations in a production area where installations of several operators are located is calculated in such a manner that upon release of each pollutant from the sources of pollution of all the installations in total the hourly average limit value of the level of pollution of the ambient air established with regard to such pollutant for the protection of human health on the basis of §§ 26 and 27 of this Act Production shall be complied with on the boundary of and outside the production area of the installation.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

(2) Prior to application for an ambient air pollution permit or integrated environmental permit, the operator of a stationary source of pollution shall assess the possible emissions of pollutants emitted or released by the source of pollution.

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

#### **§ 44. Instantaneous emission**

(1) For determining the maximum instantaneous emissions of pollutants, the full capacity of technological and abatement equipment in good technical condition and the rated load of a combustion plant shall be considered.

(2) The instantaneous emission allowance is deemed to be exceeded if, during the operation of a source of pollution or a part thereof, the reading of maximum emissions in a sample collected over one hour period exceeds the emission allowance indicated in the permit, and the sample refers to continuous measuring with the duration of one hour or the average of a series of random measurements made within one hour. The representativeness of the series shall be ensured by at least six consecutive samples collected over one hour period at regular intervals on the same filter or sampling tool but avoiding overloads thereof, or by at least 50 per cent duration of random sampling within one hour.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

(3) If exceeding of instantaneous emission allowance is ascertained during an initial control measurement performed by a supervisory body, the operator of a source of pollution may require the performance of a repeated control measurement within seven days as of the day of performing the initial control measurement.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

(4) When performing the repeated control measurement, the operator of a source of pollution shall ensure and prove that the sources of pollution operate under the same conditions, that means at the same capacity, with the same technology and raw materials and fuels consumption and other operational parameters, in the case of which the exceeding of instantaneous emission allowance was ascertained.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

(5) If so requested by the supervision body, the operator of a source of pollution shall enable access for the persons performing the measurements without prior notice to the source of pollution for performing the measurements. In such case the operator of the source of pollution is not required to ensure operating conditions of the source of pollution that are identical to the initial measurement and shall submit, at the request of the person performing the measurements, information concerning the operating conditions of the sources of pollution at the time of the measurements.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

(6) If the control measurement reveals exceeding, pursuant to subsection (2) of this section, of the emission allowances indicated on the permit and the repeated measurement proves it, the operator of a source of pollution shall pay the pollution charge at increased rates pursuant to the procedure provided by the Environmental Charges Act.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

#### **§ 45. Diffusion equation for pollutants in air layer near ground**

(1) The instantaneous emission allowance per second for a pollutant released by a source of pollution is calculated by the diffusion equation for pollutants in the air layer near the ground on the basis of the parameters of the waste gases of the source of pollution and the average hourly limit value of pollution of the ambient air.

(2) If no average hourly limit of pollution of the ambient air has been established for the pollutant emitted into the ambient air by a source of pollution, the approximate safe level of the content of the pollutant used in the diffusion equation shall be ten per cent of the limit value for the chemical substance contained during a working day in the air of the working environment.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

(3) For calculating the pollutant diffusion equation, computer software may be used which provides readings on the total concentrations of each pollutant present in the ambient air at different locations of the monitored area within a radius of at least two kilometres from the source of pollution.

(4) The map of the relevant region shall include the results of the calculation of dispersion of pollutants in such a way that it would be visible how far from the boundary of the production area the limit values of the level of pollution are achieved.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

#### **§ 46. Methods for determination of emissions of pollutants**

(1) The procedure for determination of emissions of pollutants and the methods for determination thereof shall be established by a regulation of the Minister of the Environment.

(2) If no determination methods for determining the emissions of pollutants have been established pursuant to subsection (1) of this section, internationally acknowledged methodology or methods approved by the issuer of a pollution permit, integrated environmental permit or pollution permit covering incineration of waste may be used with the written consent of the Ministry of the Environment.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

## **Division 5**

### **Limit Values of Emissions of Pollutants Released by Stationary Sources of Pollution and Adherence to Such Values**

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

#### **§ 47. Limit values of emissions of pollutants released by stationary sources of pollution and adherence to such values**

(1) The limit value of emissions of pollutants from a stationary source of pollution outside the scope of application of the Industrial Emissions Act is the maximum amount of pollutants in the gases released from a stationary source of pollution related to any industrial incineration or production process per unit of volume, production, capacity, energy or time, expressed as the concentration, percentage or emission level of the pollutant in the waste gases. The emission limit values shall not be exceeded, except under the conditions set out in the legislation.

(2) The Minister of the Environment shall established by a regulation the limit values of emissions of polluting substances released by stationary sources of pollution outside the scope of application of the Industrial Emissions Act and if necessary the requirements for monitoring the emissions of polluting substances and the criteria for adherence to the emission limit values.

(3) In the case of continuous measuring of the content of polluting substances in the gases released from a combustion plant comprising boilers with the total rated thermal input of less than 50 megawatts and using only coal, the limit values of emissions of polluting substances shall be regarded as having been complied with if the results of the measurements performed during the operating hours of a calendar year show that no daily average emissions declared admissible exceed the emission limit value by 150 per cent.

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

#### **§ 48. Adherence to limit values of emissions of pollutants**

[Repealed - RT I, 16.05.2013, 1 - entry into force 01.06.2013]

#### **§ 49. Monitoring of limit values of emissions of volatile organic compounds due to use of solvents**

[Repealed - RT I, 16.05.2013, 1 - entry into force 01.06.2013]

## **Chapter 2**

### **MEASURES FOR REDUCTION OF AMBIENT AIR POLLUTION**

#### **Division 1**

# Measures for Reduction of Ambient Air Pollution

## § 50. Action plan for improvement of ambient air quality of areas

(1) In order to ensure the requisite quality of ambient air, the Environmental Board prepares an action plan for improvement of the ambient air quality of areas where the ambient air pollution level depends on the combined effect of several sources of pollution, if the level of ambient air pollution exceeds or is likely to exceed the limit value established for one or several pollutants for the protection of human health pursuant to § 26 of this Act and the exceeding is attributable to other sources of fine PM<sub>10</sub> particulate matter than winter de-icing of roads or natural sources.

(2) The requirements for the action plan for improvement of the ambient air quality of areas and the procedure for the preparation thereof shall be established by a regulation of the Minister of the Environment.

(3) The Environmental Board shall submit an action plan for improvement of the ambient air quality of areas to the Minister of the Environment for approval.

(4) The Environmental Board shall review the action plan at least once a year and, if necessary, supplement such plan and submit it for approval to the Minister of the Environment.

(5) The Minister of the Environment shall have the right to refuse to approve the submitted action plan in the case its content does not conform to the requirements established on the basis subsection (2) of this section.

(6) The Environmental Board shall disclose the action plan for improvement of the ambient air quality on its website.

[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

## § 51. Action plan of possessor of source of pollution

(1) The operator of a source of pollution shall prepare and submit to the Environmental Board an action plan for reducing the emissions of polluting substances under the conditions set forth in the pollution permit or integrated environmental permit.

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

(2) Liquidation of a sanitary protection zone of a stationary source of pollution formed prior to the entry into force of this Act may constitute a part of the action plan specified in subsection (1) of this section. In such sanitary protection zones, the limit values of pollution by pollutants which are not of primary importance enter into force on 1 January 2010.

(3) The operator of a source of pollution shall submit an action plan for reducing the emissions of pollutants to the local government body of the location of the source of pollution.

(4) At least once a year, the operator of a source of pollution shall submit a report on implementation of the action plan to the Environmental Board and the local government body.

[RT I 2009, 3, 15 - entry into force 01.02.2009]

## § 52. Total maximum emission amounts of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia and state programme for reduction of emissions

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

(1) The total maximum emission amounts of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia released by stationary and mobile sources of pollution and the terms for reaching such amounts shall be established by a regulation of the Government of the Republic.

(2) [Repealed - RT I, 15.11.2012, 3 - entry into force 01.01.2013]

(3) The Ministry of the Environment shall organise the preparation of the state programme for the reduction of emissions of the pollutants listed in subsection (1) of this section. The provisions of the Administrative Procedure Act concerning open proceedings apply to the procedure of preparation of the programme.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

(4) The state programme for the reduction of emissions of pollutants shall contain at least the following:

- 1) measures against the emission of pollutants, terms for the implementation thereof and information concerning the cost of the measures;
- 2) information concerning the actual emissions of pollutants and forecast for emissions of pollutants after the implementation of the measures.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

(5) The state programme for the reduction of emissions of pollutants shall be approved by the Minister of the Environment.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

(6) The Ministry of the Environment shall disclose the state programme for the reduction of emissions of pollutants on its website.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

(7) The Ministry of the Environment shall review the state programme for the reduction of emissions of pollutants at least every five years and amend it, if necessary.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

### **§ 53. Restriction of movement of motor vehicles and non-road mobile machinery in order to facilitate dissipation of pollutants under unfavourable weather conditions**

For the protection of human health and the environment, local government bodies may restrict the movement of motor vehicles and non-road mobile machinery, except for emergency and road service vehicles, in order to facilitate the dissipation of pollutants under unfavourable weather conditions in areas where the content of certain pollutants in the ambient air is likely to exceed the alert threshold or the average hourly limit values of ambient air pollution, and the total margin of tolerance.

### **§ 54. List of pollutants assessed by state air surveillance in densely populated areas**

In order to organise state air surveillance in densely populated areas, the Minister of the Environment shall establish by a regulation a list of pollutants, the content of which in the ambient air is subject to mandatory assessment.

## **Division 2 Requirements for Mobile Sources of Pollution**

### **§ 55. Content of pollutants in exhaust gases of mobile sources of pollution, opacity and noise levels thereof**

(1) The content of pollutants in and opacity of exhaust gases of aircraft, watercraft and rail vehicles, non-road mobile machinery and other mobile sources of pollution, and noise levels emitted thereby shall not exceed the established standards.

[RT I 2010, 44, 261 - entry into force 01.07.2011]

(2) For the purposes of this Act, non-road mobile machinery shall mean mobile machines, transportable industrial machines or vehicles with or without bodywork which are not motor vehicles for the purposes of this Act and which have an internal combustion engine with the net capacity of 18 to 560 kilowatts installed.

[RT I 2010, 44, 261 - entry into force 01.07.2011]

(3) The standards for the pollutant content and opacity of exhaust gases and noise levels emitted by the mobile sources of pollution specified in subsection (1) of this section, including limit values of emissions of pollutants released into the ambient air per unit of run of a motor vehicle or energy, and the limit values for noise shall be established by a regulation of the Minister of the Environment.

(4) If the pollutant content in of opacity of the exhaust gases or the noise levels emitted by the mobile sources of pollution specified in subsection (1) of this section do not meet the established requirements, the production, import of such vehicles into the Republic of Estonia, passage thereof through the territory of the Republic of Estonia with running engines and use thereof is prohibited.

### **§ 56. Notification of new users of motor vehicles**

Producers, importers into the Republic of Estonia and sellers of new motor vehicles shall notify the users of the vehicles of the fuel consumption and sulphur dioxide emissions thereof. The list of the data to be provided to users and the procedure for notification of users shall be established by a regulation of the Minister of the Environment.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

### **§ 56<sup>1</sup>. Marking of tyres used in road transport**

Tyres used in road transport shall be labelled for the purpose of lower noise level, fuel efficiency and safety for the purpose of giving harmonised information concerning the parameters of tyres pursuant to Regulation (EC) No 1222/2009 of the European Parliament and of the Council on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46-58).

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

## **§ 57. Submission of consolidated data on mobile sources of pollution**

(1) The persons who keep record of the mobile sources of pollution specified in subsection 55 (1) of this Act and of other mobile sources of pollution shall submit the following consolidated data to the Ministry of the Environment by counties for calculation of the emissions of the pollutants released into the ambient air by mobile sources of pollution moving within the territory of the state:

- 1) the types and number of motor vehicles and the run of each vehicle;
- 2) the number of flight operations by types of aircraft and the division thereof as flight types for international and domestic flights separately for each airport;  
[RT I, 15.11.2012, 3 - entry into force 01.01.2013]
- 3) [Repealed - RT I, 15.11.2012, 3 - entry into force 01.01.2013]
- 4) the types and number of non-road mobile machinery;
- 5) the types and number of railway engines.

(2) The list of persons required to submit such data, the term for submission of the data and the format for submission thereof shall be established by a regulation of the Government of the Republic.

## **Division 3 Requirements for Fuel**

### **§ 58. Environmental requirements set for fuel and monitoring quality and quantity of fuels**

[RT I 2007, 19, 95 - entry into force 11.03.2007]

(1) For the purposes of this Act, fuel shall mean combustible materials or substances which are used in combustion plants for the purposes of obtaining energy. Unsorted waste, whether or not it contains combustible substances, is not deemed to be fuel.

(2) For the purposes of limiting the emissions of pollutants, the Minister of the Environment shall establish by a regulation the environmental requirements for liquid fuels, the biofuel sustainability criteria, the procedure for monitoring of and reporting on the compliance of liquid fuels with the environmental requirements and the methods for the assessment of the reduction of greenhouse gases emissions from the use of biofuels and liquid biofuels.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

(2<sup>1</sup>) The following shall be established by the regulation specified in subsection (2) of this section:

- 1) the environmental requirements for petrol, diesel fuel, gas oil, light heating oil and biofuels used as motor fuel in positive ignition engines and diesel engines of road vehicles and non-road mobile machinery, inland vessels, agricultural and silvicultural tractors and recreational craft, unless they are on the sea;
- 2) the environmental requirements for gas oil, light heating oil, heavy fuel oil and marine fuels;
- 3) the biofuel sustainability criteria;
- 4) the procedure for monitoring of and reporting on the compliance of liquid fuels with the environmental requirements;
- 5) the methods for the assessment of the reduction of greenhouse gases emissions from the use of biofuels or liquid biofuels.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

(2<sup>2</sup>) For the purposes of this Act, biofuel is the liquid or gas fuel produced from biomass and used in transport.  
[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

(2<sup>3</sup>) For the purposes of this Act, biomass means the biodegradable fraction of products, waste and residues of biological origin from agriculture (both vegetal and animal substances), forestry and related production, fishery and aquaculture and the biodegradable fraction of industrial and municipal waste.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

(3) The Ministry of the Environment shall organise the monitoring of the quality and quantity of liquid fuels sold in Estonia.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

(4) The Tax and Customs Board shall submit to the Ministry of the Environment no later than by 1 May of the following year the following data on the fuel sold in Estonia during the preceding calendar year:

- 1) name of the type of fuel based on the commodity code of the combined nomenclature of goods;
- 2) quantities by categories of fuels.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

### **§ 58<sup>1</sup>. Fuel monitoring database**

(1) The fuel monitoring database is a database in the State Information Systems containing fuel monitoring data.



- (2) The following information shall be entered in the fuel monitoring database:
- 1) information concerning fuel storage, loading, incineration or sources of pollution relating to other activities, including filling stations, containers, vessels, combustion plants or other sources of pollution;
  - 2) contact details of the operators of sources of pollution;
  - 3) results of the fuel monitoring verified in a specific source of pollution;
  - 4) copies of the reports on state monitoring of motor fuel quality and quantities and the European Commission reports;
  - 5) information concerning fuel sale.

(3) The chief processor of the fuel monitoring database is the Ministry of the Environment.

(4) The statutes of the fuel monitoring database shall be established by a regulation of the Minister of the Environment.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

#### **§ 59. Requirements for transport of petrol and storage thereof in terminals and service stations**

For the purposes of limitation of the emissions of volatile organic compounds, the Minister of the Environment shall establish by a regulation the requirements for transport of petrol and storage thereof in terminals and service stations.

**§ 60. [Repealed - RT I 2007, 19, 95 - entry into force 11.03.2007]**

### **Division 4**

## **Additional Measures for Reduction of Emissions of Pollutants into Ambient Air**

#### **§ 61. Obligations of operators of pollution sources upon extraction of mineral resources, blasting operations, construction of manure storage facilities and loading of bulk**

The operator of a source of pollution is required to apply additional measures for reducing the emissions of pollutants into the ambient air upon extraction of mineral resources, blasting operations, construction of manure storage facilities, loading of bulk and other such activities which are likely to result in the level of pollution in the air layer near the ground to exceed the limit values.

#### **§ 62. Restrictions upon application of measures intended for reduction of emissions of pollutants into ambient air**

Application of the measures intended to reduction of the emissions of pollutants into ambient air shall not cause pollution of soil or water.

#### **§ 63. Restrictions upon planning of transport terminals, industrial production sites and service sites**

Upon the planning of transport terminals, industrial production sites and service sites, the territories where, under unfavourable weather conditions, the dispersion of pollutants released into the ambient air is limited due to natural reasons or as a result of human activity, shall be excluded.

#### **§ 64. Obligations of operators of sites upon prevention of dust and debris spread**

The operator of a site is required to take measures to prevent dust and debris spreading from the storage facilities, streets and roads administered thereby.

#### **§ 65. Obligations of drivers of motor vehicles upon transport of bulk and restrictions on running of engines of stationary motor vehicles**

Drivers of motor vehicles shall avoid:

- 1) spreading dust and debris from the vehicle;
- 2) polluting the ambient air by letting the engine of an idling motor vehicle to run unless it is necessary for reasons relating to the organisation of work.

#### **§ 66. Height of emission of pollutants**

(1) Taking into consideration long-range air pollution with the capacity to cross state boundaries and the requirements of the Geneva Convention on Long-Range Transboundary Air Pollution, it is prohibited to build stacks with a height of emission of pollutants greater than 250 metres above ground level.

(2) Upon designing of installations, it shall be taken into consideration that stacks, vents and shafts and other sources of pollution should be installed at least 50 metres from residential buildings and the determination of their height should ensure compliance with the average hourly limit values of ambient air pollution levels established for the protection of human health by a regulation of the Minister of the Environment pursuant to §§ 26 and 27 of this Act.  
[RT I, 05.07.2011, 24 - entry into force 15.07.2011]

(3) The height of the emission of pollutants shall ensure the requisite dispersion of the pollutants in the air layer near the ground in order to avoid the pollution level of the ambient air exceeding the limit value.

(4) In order to improve the dispersion of pollutants emitted from a source of pollution in the air layer near the ground, the height of emission may be increased.

(5) Any change in the height of emission or diameter of the exits for pollutants shall be reported to the issuer of the ambient air pollution permit together with an application for a new permit.  
[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

## **Chapter 3**

### **AMBIENT AIR POLLUTION PERMIT AND SPECIAL POLLUTION PERMIT**

#### **Division 1**

#### **Ambient Air Pollution Permit, Special Pollution Permit and their Issuer**

##### **§ 67. Ambient air pollution permit, special pollution permit and application of open proceedings**

(1) An ambient air pollution permit (hereinafter *pollution permit*) and special pollution permit are documents which grant, in the cases provided by this Act, the right to release pollutants from a stationary source of pollution into ambient air, and determine the conditions for exercising such right.

(2) The operator of a source of pollution who is required to hold an integrated environmental permit is not required to hold a pollution permit or special pollution permit for the part of plants covered by the integrated environmental permit.  
[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

(3) The provisions of the Administrative Procedure Act concerning open proceedings apply to the application for pollution permits and special pollution permits and to the procedure for the issue and amendment of such permits.

(4) The Ministry of the Environment or the Environmental Board as the person exercising supervision over environmental impact assessment has the right to determine environmental requirements to avoid or reduce emissions of pollutants into the ambient air and, arising therefrom, prevent damage to the state of the environment.  
[RT I 2009, 3, 15 - entry into force 01.02.2009]

##### **§ 68. Emissions of pollutants and capacities of plants used**

(1) Taking into consideration the characteristics of economic activities and specific areas of economic activities, the Minister of the Environment shall establish by a regulation the emissions of pollutants and capacities of plants used beyond which an ambient air pollution permit and a special pollution permit is required.

(2) If a pollution permit is required due to the presence of at least one pollutant, all pollutants emitted by the source of pollution with emissions of one kilogram or more per year shall be set out in the application for a pollution permit and the pollution permit.

(3) Unless the emissions of pollutants established on the basis of subsection (1) of this section are exceeded by the operator of a source of pollution, the data set out in the pollution permit pursuant to subsection (2) of this section are informative.

##### **§ 69. Format of application for pollution permit and special pollution permit and content of application for permit**

The format of an application for a pollution permit and special pollution permit, the format of the permits and the requirements for the content of an application for permit shall be established by a regulation of the Minister of the Environment.

## **§ 70. Issuer of pollution permit and special pollution permit**

The operator of a stationary source of pollution shall be issued a pollution permit and a special pollution permit by the Environmental Board.

[RT I 2009, 3, 15 - entry into force 01.02.2009]

## **Division 2 General Requirements for Issue of Pollution Permit and Special Pollution Permit**

### **§ 71. Calculation of total maximum emission amounts of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia for issue of pollution permit or special pollution permit**

Issue of pollution permits and special pollution permits by the issuer of permits shall be based on the total maximum emission amounts of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia established on the basis of subsection 52 (1) of this Act.

### **§ 72. Preferential right to emit pollutants into ambient air**

(1) If the assessed level of pollution or the total maximum emission amounts of pollution established pursuant to subsection 52 (1) of this Act does not permit all applications for a pollution permit to be satisfied, the following persons have a preferential right to obtain a pollution permit:

- 1) persons who generate energy for domestic or community use;
- 2) persons with the lowest emissions of pollutants per unit of similar production.

(2) The decision to grant a preferential right shall be made by the Environmental Board with the approval of the local government body of the location of the source of pollution.

[RT I 2009, 3, 15 - entry into force 01.02.2009]

### **§ 73. Unit of measurement of pollutant emission allowance**

(1) An ambient air pollution permit and a special pollution permit shall set out, for each source of pollution, the instantaneous emission allowance in grammes per second and the annual emission allowance in tonnes for each pollutant or mixture of pollutants released into the ambient air.

(2) If the limit value of emissions of pollutants in the gases released by a stationary source of pollution belonging to any area of economic activities pursuant to subsection 47 (2) of this Act or the Industrial Emissions Act has been established per unit of volume, production, capacity, energy or time, the limit value of emissions permitted by the pollution permit or special pollution permit may be expressed as the concentration, percentage or emission level of the pollutant in waste gases in addition to the provisions of subsection (1) of this section.

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

### **§ 74. Determination of number of measurement stations for measuring ambient air pollution levels at fixed sites**

When determining the number of measurement stations for taking measurements of the ambient air pollution levels at fixed sites, the issuer of pollution permits and special pollution permits shall take into consideration the probable flow schemes and possible impact on the population and the environment of the pollutants emitted into the ambient air.

## **Division 3 Application for and Processing of Pollution Permit and Special Pollution Permit**

### **§ 75. Application for permit concerning sources of pollution located within same production area**

The operator of a source of pollution shall submit separate applications for a pollution permit or special pollution permit with regard to stationary sources of pollution located within different production areas, and a single application for a pollution permit or special pollution permit with regard to stationary sources of pollution located within the same production area.

## **§ 76. Basis for application for special pollution permit**

- (1) The operator of a stationary source of pollution is required to apply for a special pollution permit:
- 1) if the technology of the production process or the plant leads to the emission allowance of a pollutant permitted by a pollution permit being exceeded for a short period of time and the possible emissions and other conditions are not covered by the current pollution permit;
  - 2) in the case of activities which cause the hourly average limit value of the level of pollution of the ambient air to be exceeded for a short period of time which shall not exceed two or three hours and which is not covered by the pollution permit;
  - 3) in the case of incineration of waste during a short period not exceeding six months.
- (2) The activities and levels of the emission of pollutants permitted by a special pollution permit shall be safe to humans and the environment.

## **§ 77. Procedure for application for pollution permit and special pollution permit**

- (1) The issuer of a pollution permit or special pollution permit (hereinafter *permit*) shall register a submitted application immediately after receipt thereof and verify the conformity of the content of the submitted materials to the established requirements.
- (2) The following data shall be entered in the register of application for permits:
- 1) the registration number and date of application for permit;
  - 2) the name and commercial register code of the operator of the source of pollution;
  - 3) the address of the operator of the source of pollution, and the address and geographical coordinates of the source of pollution;
  - 4) the name and commercial register code or personal identification code of the person who prepared the draft for the emission allowances.
- (3) The issuer of the permit shall verify the correctness of the data submitted in the draft for the emission allowances.
- (4) If no pollution permit is required for the activity for which permission was applied for, the issuer of the permit shall inform the applicant thereof within seven days as of the registration of the application.
- (5) The issuer of the permit may combine the processing of two or more applications submitted by the same operator and issue a single permit by the combined procedure.

## **§ 78. Making applications for pollution permit public**

- (1) The issuer of the pollution permit shall publish a notice on commencement of the processing of an application in the official publication *Ametlikud Teadaanded* within two weeks as of the receipt of the application from the operator of a source of pollution for a pollution permit for the release of pollutants into the ambient air from a new source of pollution or an existing source of pollution which is to undergo significant modification. If necessary, the issuer of the permit shall publish the same notice in a local newspaper or at least in one national newspaper.
- (2) For the purpose of this Act, significant modification shall mean changing of the rated power of installation which brings about an increase of at least ten per cent in the emissions of pollutants. Any modification which may cause a significant negative impact on human health or the environment is also deemed to be a significant modification.
- (3) The notice on commencement of the processing of an application shall contain at least the following:
- 1) the business name, registry code and seat, or the name, personal identification code and address of the applicant;
  - 2) a description of the location of the activities of the operator which shall set out the distance between the location and residential buildings, protected natural objects or other sensitive areas and objects;
  - 3) a short description of the intended activities which includes data on the substances and technology to be used in the activity;
  - 4) [Repealed - RT I 2005, 15, 87 - entry into force 03.04.2005]
  - 5) the contact details of the issuer of the permit and information on where the application and related documents may be examined;
  - 6) information concerning the processing of the application;
  - 7) other information necessary for determination and inclusion of the persons involved.
- (4) Within two weeks after commencement of the processing of an application, the issuer of a pollution permit shall send a copy of the application together with the materials submitted in the application for a permit to the local government body of the location of the source of pollution. The local government body shall give an opinion concerning the application no later than within two weeks as of the receipt of a copy of the application.

# **Division 4**

# Refusal to Issue Pollution Permit or Special Pollution Permit

## § 79. Bases for refusal to issue pollution permit or special pollution permit

(1) The issue of a pollution permit or special pollution permit shall be refused if:

- 1) the information submitted by an applicant is inaccurate;
- 2) the emissions of pollutants released into the ambient air by a new or reconstructed stationary source of pollution causes the average hourly limit value of pollution to be exceeded;
- 3) adherence of a new source of pollution to the limit values of ambient air pollution established on the basis of this Act and the limit values of emissions of pollutants and the limit values of emissions of pollutants established on the basis of this Act or the Industrial Emissions Act is not guaranteed;  
[RT I, 16.05.2013, 1 - entry into force 01.06.2013]
- 4) the best available techniques are not applied upon designing of a new stationary source of pollution or the reconstruction of an existing source of pollution.

(2) If an operating source of pollution has the deficiencies specified in clauses (1) 3) or 4) of this section which are correctable through reasonable efforts of the holder of the permit, a term may be granted by the pollution permit for elimination of such deficiencies and a condition added to the pollution permit pursuant to which the rights arising from the pollution permit are created only after the deficiencies specified in clauses (1) 3) or 4) of this section have been eliminated.

## Division 5 General Requirements for Content and Term of Validity of Pollution Permit and Special Pollution Permit

### § 80. Content of pollution permit

(1) The following shall be determined by a pollution permit:

- 1) the place and method of emission of pollutants into the ambient air;
- 2) the names and emissions of the pollutants being released;
- 3) the requirements for monitoring of the volume of pollutants emitted and for determination of the efficiency of treatment plants;
- 4) the need to capture pollutants and the method thereof;
- 5) need to constantly and regularly monitor the ambient air in the vicinity of the source of pollution, including on the boundary of a production area or sanitary protection zone, a list of pollutants to be monitored, and the sites and frequency of sampling;  
[RT I 2007, 19, 95 - entry into force 11.03.2007]
- 6) where necessary, the conditions for preparation and implementation of an action plan for reducing the emissions of pollutants.
- 7) data on unfavourable meteorological conditions of the location of the source of pollution which are likely to deteriorate the conditions in the air layer near the ground for the dispersion of pollutants and measures to be taken in the case of such weather conditions.  
[RT I 2007, 19, 95 - entry into force 11.03.2007]

(1<sup>1</sup>) In the case of waste incineration plants or waste co-incineration plants, the following shall be determined in a pollution permit in addition to the provisions of subsection (1) of this section:

- 1) emission limit values for polluting substances;
- 2) detailed sampling and measurement procedures for periodic measurements of the content of polluting substances;
- 3) maximum duration of any technically unavoidable stoppages, disturbances or failures of the purification devices or the measurement devices during which it is permitted to exceed the emission limit values of polluting substances.  
[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

(2) A pollution permit may contain requirements that are not specified in this section but are established by this Act or legislation established on the basis thereof or established for emissions by the Industrial Emissions Act or on the basis thereof.  
[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

(3) The data specified in clause (1) 7) of this section on unfavourable meteorological conditions of the location of a source of pollution shall be provided at the request of the operator of a source of pollution by the Estonian Institute for Meteorology and Hydrology free of charge and these data shall be submitted to the issuer of the ambient air pollution permit or integrated environmental permit together with the materials submitted in the application.

### **§ 81. Content of special pollution permit**

(1) A special pollution permit shall determine:

- 1) the place and description of the handling process which causes the average hourly limit value of pollution of the ambient air to be exceeded for a short period of time;
- 2) the names of incinerated waste pursuant to the list of waste established pursuant to the Waste Act, the quantity of waste and where the different types of waste are incinerated together, the proportion of each type of waste;
- 3) other substances processed and the quantity thereof;
- 4) the names and emissions of the pollutants being released;
- 5) weather conditions upon which the activity applied for is permitted;
- 6) term of validity of the special pollution permit.

(2) Activities performed on the basis of a special pollution permit shall not cause the pollution levels of the ambient air to exceed the established alert threshold.

### **§ 82. Validity of pollution permit and special pollution permit**

Depending on the special conditions of a pollution permit, the permit shall be issued without a term or for a specified term, and a special pollution permit is issued for a specified term for single or recurrent activities.

## **Division 6**

# **Public Communication of Issue of Pollution Permit, Preparation of Pollution Permit and Special Pollution Permit and Storage of Materials Submitted in Applications for Permits**

### **§ 83. Public communication of issue of pollution permit**

(1) The issuer of pollution permits shall notify of the issue of or refusal to issue a permit in the official publication *Ametlikud Teadaanded* within seven days as of the decision to issue or refusal to issue a permit is made and shall send a copy of the decision to issue or refusal to issue the permit to the local government body of the location of the source of pollution and the Environmental Inspectorate. If necessary, the issuer of the permit shall publish the same notice in a local newspaper or at least in one national newspaper. The notice is published at the expense of the applicant.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

(2) The notice on issue of a pollution permit shall contain at least the following:

- 1) the business name, registry code and seat, or the name, personal identification code and address of the recipient of the permit;
- 2) a description of the site which shall indicate the distance between the site and residential buildings, protected natural objects and other sensitive areas and objects;
- 3) a short description of the activities which includes data on the substances and technology used;
- 4) a short description of possible environmental impact of the activity based on the data obtained upon issue of the permit;
- 5) the contact details of the issuer of the pollution permit and data on where the pollution permit or a decision to refuse to issue the permit and related documents may be examined;
- 6) other data necessary for providing timely and relevant information to the persons involved.

(3) Valid pollution permits are accessible by the public at the website of the Ministry of the Environment.

### **§ 84. Preparation of pollution permit and special pollution permit and storage of materials submitted in applications for permits**

(1) A pollution permit or a special pollution permit shall be prepared in two original copies, one of which shall be given to the operator of the source of pollution and the other shall remain with the issuer of the permit.

(2) The issuer of pollution permits and special pollution permits shall register the permits in a register of permits within three days as of the issue of the permit.

(3) The following data shall be entered in the register of permits:

- 1) the registration number and registration date of the application for a permit and the permit;
- 2) the business name and registry code, or the name and personal identification code of the operator of the source of pollution;
- 3) the address of the operator of the source of pollution, and the address and geographical coordinates of the source of pollution;
- 4) the name, and registry code or personal identification code of the person who prepared the draft for the emission allowances.

(4) The materials submitted in applications for pollution permits and special pollution permits shall be stored at the Environmental Board.

[RT I 2009, 3, 15 - entry into force 01.02.2009]

## **Division 7**

### **Amendment of Pollution Permits**

#### **§ 85. Bases for amendment of pollution permits**

(1) A pollution permit shall be amended, if:

1) the limit values of the ambient air pollution level and limit values of emissions of pollutants provided by legislation based on which the pollution permit was issued have changed;

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

2) the emission of pollutants into the ambient air has resulted in harmful consequences which could not have been foreseen upon issue of the permit;

3) changes in the best available techniques make it possible to significantly reduce emissions of pollutants without imposing excessive costs;

4) the source of pollution has undergone significant modifications or such modifications are being planned.

(2) In the cases where the amendment of a pollution permit is initiated by the operator of a source of pollution, the operator shall submit the materials to be submitted together with an application pursuant to the procedure provided by this Act.

(3) In the cases where the amendment of a pollution permit is initiated by the issuer of the permit, the issuer of the permit shall inform the operator of a source of pollution in writing of the grounds for changing the conditions of the permit, request the submission of the data necessary for amendment of the permit pursuant to the procedure provided by this Act and set a term for the submission of the data.

(4) The operator of a stationary source of pollution is required to inform the issuer of the pollution permit of transfer of possession within 14 working days as of formalising the transfer of possession. The issuer of a pollution permit shall amend the data on a possessor of a source of pollution in the pollution permit after receiving a notice to this effect. Within five days after receipt of a notice concerning a change of operator of a source of pollution, the issuer of pollution permits shall send the corresponding amendments to the operator of the source of pollution and a copy thereof to the local government body of the location of the source of pollution and the Environmental Inspectorate.

## **Division 8**

### **Revocation of Pollution Permit**

#### **§ 86. Bases for revocation of pollution permit**

(1) The issuer of a pollution permit shall revoke the pollution permit, if:

1) revocation is requested by the operator of a source of pollution;

2) the operator of a new source of pollution has not commenced the activity permitted by the pollution permit as of the beginning of the term of operation specified in the pollution permit and has failed to submit an application for amending the date of commencement of the activity;

3) the operator of a source of pollution has knowingly submitted inaccurate information or falsified documents upon application for the pollution permit or has repeatedly violated the term for submission of the data required in the permit;

4) the operator of a source of pollution has modified, without giving prior notice to the issuer of the permit, the technological process which involve significant changes in the capacity, raw material, fuels or emissions of pollutants relating to the used plant;

5) the operator of a source of pollution has not eliminated the discovered deficiencies by the date determined by the issuer of the permit, the Environmental Inspectorate or environmental inspector of the local government;

6) the operator of a source of pollution has failed to comply with the requirements of the pollution permit and the possessor has been previously punished for the same act;

7) the health hazard caused by pollution emitted by the source of pollution cannot be prevented without extensive technological restructuring which requires application for a new pollution permit;

8) the operator of a source of pollution is bankrupt or liquidated as a legal person.

(2) The issuer of pollution permits and local government bodies have the right to verify, at least once a year, compliance with the conditions of pollution permits within relevant production areas and technological installations.

## **§ 87. Procedure for revocation of pollution permit**

(1) If a pollution permit is revoked at the request of the operator of a source of pollution, the operator shall submit a relevant application to the issuer of the pollution permit. The issuer of the pollution permit shall impose conditions for the aftercare of the source of pollution, including the requirements for monitoring the quality of the ambient air in the vicinity of the source of pollution and the term for aftercare, and inform the operator of the source of pollution thereof within five working days.

(2) The issuer of pollution permits shall make a decision to revoke a pollution permit or terminate the respective proceeding within seven calendar days after receipt of an explanation and additional data from the operator of a source of pollution or after hearing the operator of the source of pollution.

(3) The issuer of pollution permits shall send the operator of a source of pollution a written decision concerning the revocation of the pollution permit or termination of the respective proceeding within three working days as of making the decision. The issuer of pollution permits shall send copies of the decision to the local government body of the location of the source of pollution and the Environmental Inspectorate.

## **Chapter 4 DUTIES OF OPERATOR OF STATIONARY SOURCE OF POLLUTION**

### **§ 88. Best available techniques**

(1) The operator of a stationary source of pollution shall use the best available techniques, energy efficient technology, environmental friendly sources of energy and abatement equipment to reduce emissions of pollutants in so far as it is technically possible and economically viable, taking into consideration the expenses to be incurred and possible damage.

(2) If abatement of pollutants is prescribed by the pollution permit or integrated environmental permit or if abatement is planned by the building design documentation, operation without abatement equipment or with defective abatement equipment is prohibited, except under the conditions set out in the legislation.

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

### **§ 89. Duties of operator of stationary source of pollution**

(1) The operator of a stationary source of pollution who holds a pollution permit or integrated environmental permit shall:

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

1) ensure that the emissions released into the ambient air from the source of pollution operated by it does not exceed the reference figure provided for in the pollution permit or integrated environmental permit, the emission limit values of polluting substances established for the category of the source of pollution established on the basis of subsection 47 (2) of this Act or the Industrial Emissions Act, and shall not cause the limit value of the level of pollution of the ambient air established for the protection of human health on the basis of §§ 26 and 27 of this Act to be exceeded on the boundary of and outside the production area;

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

2) plan measures for limitation of the quantities of pollutants released into the ambient air with the aim of reducing the levels of pollution in the case of unfavourable weather conditions. The order to limit the release of pollutants shall be given by the local government body on the proposal of the Environmental Board or the Environmental Inspectorate;

[RT I 2009, 3, 15 - entry into force 01.02.2009]

3) give prior notice to the issuer of the pollution permit or integrated environmental permit and the local government body of all intended modifications to the production technology or parameters of the sources of pollution which may cause the emissions of pollutants to exceed the limits permitted by the pollution permit or the integrated environmental permit or the dispersion conditions of the pollutants in the ambient air to deteriorate significantly;

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

4) use the equipment installed for abatement of pollutants, regularly check their efficiency and keep documented records of the checks;

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

5) [Repealed - RT I, 16.05.2013, 1 - entry into force 01.06.2013]

6) check the composition of the gases emitted from the source of pollution and the amounts of the emissions of polluting substances and the compliance thereof with the reference figures provided for in the pollution permit or the integrated environmental permit and the maximum limits established on the basis of this Act or the Industrial Emissions Act;

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

7) assess at least once per year, unless otherwise provided in the pollution permit or the integrated environmental permit, the compliance of the quality of the ambient air with the hourly average limit value of the level of pollution of the ambient air established for the protection of human health on the basis of §§ 26 and 27 of this Act outside the production area of the installation if the emissions of pollutants released into the ambient



air by the source of pollution causes the reference emissions concentration equal to at least 40 % of the average hourly limit value of pollution on the boundary of and outside the production area of the installation;

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

8) give notice to the issuer of the pollution permit or integrated environmental permit of significant negative impacts on the environment relating to the operation of the holder of the pollution permit or the operator of a stationary source of pollution holding an integrated environmental permit regardless of the fact that the requirements provided in the permit are complied with.

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

(1<sup>1</sup>) The frequency of monitoring the efficiency of the polluting substances abatement equipment provided for in clause (1) 4) of this section shall be determined in a pollution permit or integrated environmental permit by agreement with the issuer of the permit.

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

(1<sup>2</sup>) If the operator of a source of pollution cannot ensure compliance with the requirements specified in clause (1) 1) of this section by the determined date due to technical or economic reasons, the operator shall immediately inform the Environmental Board and the local government thereof, prepare at the request of the issuer of the permit an action plan for reducing the emissions of polluting substances and submit it to the Environmental Board, local government and the Environmental Inspectorate for approval.

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

(1<sup>3</sup>) The operator of a stationary source of pollution who is required to hold an integrated environmental permit shall, in addition to compliance with the requirements specified in subsection (1<sup>2</sup>) of this section, prove to the institutions specified in subsection (1<sup>2</sup>) that the operator uses the best available techniques.

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

(2) The operator of a new source of pollution shall organise, upon request of the Environmental Board, the initial inventory of emissions of pollutants within three months as of the commencement of the operation of a source of pollution.

[RT I 2009, 3, 15 - entry into force 01.02.2009]

(3) The operator of a new source of pollution shall provide an estimate of the possible presence of odoriferous substances in the materials submitted upon application for the pollution permit or integrated environmental permit.

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

## **§ 90. Reporting**

(1) The operator of a stationary source of pollution who has been issued a pollution permit or integrated environmental permit shall report on the activities related to pollution of the ambient air. The report shall contain the following data:

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

1) the use of raw materials, fuel consumption and energy use and the quantity of production by areas of activity subject to reporting;

2) total emission allowance units of each pollutant and actual emissions from all sources of pollution located in the production area of an installation, including sudden accidental and technological emissions, including sudden emissions during equipment start-up and shut-down periods;

3) the actual emissions of pollutants released by each individual source of pollution by technological processes;

4) the content of pollutants emerging from waste gases of sources of pollution and the ambient air pollution levels measurement and calculation data;

5) the number of operating hours of equipment and the time during which sudden technological emissions continued, including equipment start-up and shut-down periods;

6) the limit values of emissions of pollutants established for categories of sources of pollution;

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

7) the measures taken to reduce the emissions of pollutants.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

(2) The procedure for reporting and format of reports shall be established by a regulation of the Minister of the Environment.

(3) The reports of the possessors of sources of pollution constitute the basis for entry of the data on sources of pollution and emissions of pollutants in the European Pollutant Release and Transfer Register according to Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 33, 04.02.2006, p. 1-17).

[RT I 2007, 19, 95 - entry into force 11.03.2007]

## **§ 91. Monitoring of emissions of pollutants and obligation to pay for measurements**

(1) The monitoring of the emissions of pollutants shall be organised by the operator of a source of pollution at the expense thereof.

(2) If the results of a repeated control measurement of the emissions of pollutants released by a source of pollution ordered by the Environmental Inspectorate or an environmental inspector of a local government body prove that the emissions exceed the limit values of pollutants, the operator of the source of pollution shall pay for the measurement.

(3) The Environmental Inspectorate shall send the results of the control measurements to the issuer of the permit and the operator of the source of pollution within 14 days after the control.

## **Chapter 5 LARGE COMBUSTION PLANTS AND REQUIREMENTS FOR MONITORING OF EMISSIONS OF POLLUTANTS**

[Repealed -RT I, 16.05.2013, 1 - entry into force 01.06.2013]

§ 92.–§ 105.[Repealed - RT I, 16.05.2013, 1 - entry into force 01.06.2013]

## **Chapter 6 PROTECTION OF OZONE LAYER**

### **§ 106. Substances that deplete ozone layer**

For the purposes of this Act, substances that deplete ozone layer are the substances specified Annexes I and II to Regulation (EC) of the European Parliament and of the Council No 1005/2009 on substances that deplete the ozone layer (OJ L 286, 31.10.2009, p. 1-30).

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

### **§ 107. Organisation of handling, handling and operator of substances that deplete ozone layer**

(1) The Ministry of the Environment shall organise the protection of the ozone layer and the activities relating to handling of substances that deplete the ozone layer pursuant to the requirements of the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the legislation of the European Union concerning substances that deplete the ozone layer.

(2) For the purposes of this Act, handling of substances that deplete the ozone layer is the production, use, importation and exportation, marketing, collection, recycling, reuse of substances that deplete ozone layer, and importation and exportation, marketing, installation, maintenance, servicing, leakage control and labelling of products, equipment and containers containing or relying on such substances.

(3) The owner of substances that deplete the ozone layer, products, equipment or containers containing such substances or relying on such substances is an operator of the substances that deplete the ozone layer, products, equipment or containers containing or relying on such substances.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

### **§ 108. Placing on market of substances that deplete ozone layer and products containing such substances**

[Repealed - RT I, 04.07.2012, 4 - entry into force 15.07.2012]

### **§ 109. Restrictions on handling of substances that deplete ozone layer**

The handling of substances that deplete the ozone layer, products and equipment containing or relying on such substances is restricted or prohibited. The European Commission shall grant the permission for importation of such substances, products and equipment into the European Union and exportation thereof from the European Union pursuant to Regulation (EC) No 1005/2009 of the European Parliament and of the Council after requesting the consent of the Ministry of the Environment in the cases provided by the specified regulation.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

### **§ 109<sup>1</sup>. Permit for exceptional use of methyl bromide**

[Repealed - RT I, 04.07.2012, 4 - entry into force 15.07.2012]

### **§ 110. Requirements for handling substances that deplete ozone layer**

[Repealed - RT I, 12.07.2013, 1 - entry into force 01.08.2013]

**§ 110<sup>1</sup>. Submission of information concerning further handling of refrigerants containing chlorofluorocarbons and hydrochlorofluorocarbon and mixtures containing these substances**

Persons in possession of refrigerants containing chlorofluorocarbons and hydrochlorofluorocarbon and mixtures containing these substances shall inform the Ministry of the Environment at the latest by 15 April 2015 of the quantity of the specified substances or mixtures belonging to such persons and the plan for further handling thereof, which describes further planned handling of such substances or mixtures or the method of disposal thereof.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

**§ 111. Requirements for competence**

(1) Persons engaged in handling of products, equipment or containers that contain or rely on substances that deplete the ozone layer shall have the necessary expertise and skills certified by a document confirming professional training.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

(2) The competence requirements of the persons specified in subsection (1) of this section shall be established by a regulation of the Minister of the Environment.

(3) The Environmental Inspectorate shall check the existence of the document certifying the competence specified in subsection (1) of this section at the same time with inspecting the equipment.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

**§ 111<sup>1</sup>. Registration with register of economic activities**

[Repealed - RT I, 04.07.2012, 4 - entry into force 15.07.2012]

**§ 112. Checking of equipment**

[Repealed - RT I, 04.07.2012, 4 - entry into force 15.07.2012]

**§ 113. Maintenance record of equipment**

[Repealed - RT I, 04.07.2012, 4 - entry into force 01.01.2013]

**§ 114. Labelling of products, equipment and containers**

Products, equipment and containers containing substances that deplete the ozone layer or rely on such substances shall be labelled pursuant to the procedure provided by the Chemicals Act and taking account of the requirements established by Regulation (EC) No 1005/2009 of the European Parliament and of the Council.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

**§ 115. Prohibition on production of new substances**

[Repealed - RT I, 04.07.2012, 4 - entry into force 15.07.2012]

**§ 115<sup>1</sup>. Monitoring of handling of substances that deplete ozone layer**

Monitoring of the handling of the substances that deplete the ozone layer is performed by:

- 1) the Environmental Inspectorate – handling of substances that deplete the ozone layer;
- 2) the Tax and Customs Board – import and export of substances that deplete the ozone layer, products or equipment containing such substances or relying on such substances;
- 3) the State Agency of Medicines – metered dose inhalers that function on the basis of substances that deplete the ozone layer.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

**§ 115<sup>2</sup>. Reports on illegal shipments of substances that deplete ozone layer**

The Tax and Customs Board shall submit to the Ministry of the Environment by 30 April each year information concerning illegal shipments of substances that deplete the ozone layer detected during the preceding calendar year.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

## **Chapter 7**

# GREENHOUSE GASES AND CLIMATE CHANGE

## Division 1

### General Provisions and Application for, Allocation and Auctioning of Greenhouse Gas Emission Allowances

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

#### § 116. Terms

(1) For the purposes of this Act, greenhouse gases are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFC's), perfluorocarbons (PFC's) and sulphur hexafluoride (SF<sub>6</sub>).

(2) Carbon dioxide equivalent is one tonne of carbon dioxide or other greenhouse gases which are recalculated into quantities of carbon dioxide using the global warming potential.

(3) The global warming potential shows how many times one molecule of other greenhouse gases is more efficient as to the heat reflection capacity thereof than one molecule of carbon dioxide.

(4) The system for greenhouse gas emission allowance trading (hereinafter *trading scheme*) is a system created by Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32-46), for reducing the emissions of anthropogenic greenhouse gases in an economically purposeful and efficient manner.

(5) The greenhouse gas emissions trading registry is an electronic database where the data of the current accounts of the Republic of Estonia and persons participating in the trading scheme and the transactions conducted by them with greenhouse gas emission allowances, emission allowances allocated to installations and transactions conducted with these, verified and surrendered greenhouse gas emission allowances of installations, conformity status of installations, data of the participants in the projects of Joint Implementation and Clean Development Mechanism and greenhouse gas emission reduction achieved as a result of implementing the projects are recorded.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(5<sup>1</sup>) For the purposes of this Act, a greenhouse gas emission allowance is the common denominator of an emission allowance, state emission allowance, verified emission reduction unit and emission reduction unit.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(5<sup>2</sup>) For the purposes of this Act, a person's holding account is the holding account of a legal or natural person through which transactions can be performed in the greenhouse gas emissions trading registry in accordance with Article 65 of European Commission Regulation (EU) No 389/2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 (OJ L 122, 03.05.2013, pp. 1-59).

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(5<sup>3</sup>) For the purposes of this Act, a person holding account is a holding account of a legal or natural person through which transactions can be performed in the greenhouse gas emissions trading registry in accordance with Article 66 of European Commission Regulation (EU) No 389/2013.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(6) For the purposes of this Act, emission allowance credit is the right transferable in the trading scheme to emit one tonne of carbon dioxide equivalent into the ambient air during a trading scheme period.

(7) A trading scheme period (hereinafter *trading period*) is a period of time during which trading with emission allowance credits is permitted. The trading period from 2008 to 2012 is a period of time from 1 January 2008 until 31 December 2012; the trading period from 2013 to 2020 lasts from 1 January 2013 until 31 December 2020.

(8) Kyoto trading period is a period of time from 1 January 2008 until 31 December 2012 during which the parties specified in Annex 1 to the United Nations Framework Convention on Climate Change ensure independently or in co-operation with contracting parties that the aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases specified in Annex A to the Kyoto Protocol do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments provided for in Annex B to the Kyoto Protocol.

(9) For the purposes of this Act, an entrant in the trading scheme is an operator operating in one or more areas of activity established by the Government of the Republic pursuant to subsection 120 (1) of this Act and who

obtained a permit for greenhouse gas emissions (hereinafter *permit for emissions*) for the first time after 30 June 2011. An operator operating in one or more areas of activity established by the Government of the Republic pursuant to subsection 120 (1) of this Act and whose installation has been expanded to a significant extent after 30 June 2011 is also deemed to be an entrant in the trading scheme to the extent of the specified extension only. [RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(10) For the purposes of this Act, an aircraft operator is a person who operates an aircraft during the time when it operates the routes specified in the regulation established by the Government of the Republic pursuant to subsection 120 (1) of this Act or the owner of an aircraft in the case the specified person is not known or if the owner of an aircraft has not identified such person. [RT I, 05.07.2011, 25 - entry into force 15.07.2011]

#### **§ 117. Organisation of activities to reduce climate change**

Activities to reduce climate change are organised by the Ministry of the Environment on the basis of the requirements for restriction of the emissions of greenhouse gases provided by the United Nations Framework Convention on Climate Change (hereinafter *Framework Convention on Climate Change*) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (hereinafter *Kyoto Protocol*). [RT I 2007, 19, 95 - entry into force 11.03.2007]

#### **§ 118. Additional measures by operators of source of pollution**

The operator of a source of pollution shall take additional measures to reduce the emissions of greenhouse gases, which accumulation in the ambient air may cause climate change. [RT I, 05.07.2011, 25 - entry into force 15.07.2011]

#### **§ 119. Application for and allocation of greenhouse gas emission allowances**

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(1) [Repealed - RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(2) [Repealed - RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(3) For the trading period from 2013 to 2020, greenhouse gas emission allowances for stationary sources of pollution are applied for and allocated according to Commission Decision 2011/278/EU of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 130, 17.05.2011, pp. 1-45). [RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(4) For the trading period from 2013 to 2020, emission allowances of aircraft operators are allocated according to Commission Decision 2011/638/EU on benchmarks to allocate greenhouse gas emission allowances free of charge to aircraft operators pursuant to Article 3e of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 252, 28.09.2011, pp. 20-21). [RT I, 12.07.2013, 1 - entry into force 01.08.2013]

#### **§ 119<sup>1</sup>. Distribution of state reserve of emission allowances of greenhouse gases**

[Repealed - RT I, 12.07.2013, 1 - entry into force 01.08.2013]

#### **§ 119<sup>2</sup>. Total emission allowance allocated to aircraft operators**

(1) The total emission allowance allocated to aircraft operators during the trading period from 1 January until 31 December 2012 shall constitute 97 per cent of the average emissions of the aircraft performing flights during the period of 2004–2006.

(2) During the trading period from 2013 to 2020, the total emission allowance allocated to aircraft operators shall constitute 95 per cent of the average emissions of the aircraft performing flights during the period of 2004–2006 multiplied by the number of years in the specified trading period. [RT I, 05.07.2011, 25 - entry into force 15.07.2011]

#### **§ 119<sup>3</sup>. Special reserve for aircraft operators and application for emission allowance credits therefrom free of charge**

(1) The size of the special reserve (hereinafter *special reserve*) of aircraft operators of the European Union during the trading period from 2013 to 2020 is three per cent of the total emission allowance allocated to the European Union aircraft operators.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(2) An aircraft operator who commences the flights specified in the regulation established by the Government of the Republic pursuant to subsection 120 (1) of this Act after 2010 or whose data per tonnes and per kilometres increased over 18 per cent during the period of 2010–2013 and whose above-mentioned activity is not continuation of the activities of another aircraft operator in full or in part may apply for free emission allowance credits allocated free of charge.

(3) An aircraft operator complying with the requirements of subsection (2) may apply for allocation of emission allowance credits from the special reserve free of charge by submitting a relevant application to the Ministry of the Environment by 30 June 2015.

(4) An aircraft operator whose data per tonnes and per kilometres increased over 18 per cent during the period of 2010–2014 shall be additionally allocated the maximum of one million emission allowance credits during the period of 2017–2020.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

#### **§ 119<sup>4</sup>. Sale of emission allowance credits by auction**

(1) The state shall auction all emission allowances which are not allocated free of charge as of 2013 according to § 119<sup>5</sup> of this Act and the European Commission Decision 2011/278/EU.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(2) Auctioning shall take place pursuant to Commission Regulation (EC) No 1031/2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community (OJ L 302, 18.11.2010, p. 1-41).

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(3) The procedure for auctioning of emission allowance credits shall be established by a regulation of the Government of the Republic.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(4) During the period from 2012 to 2020, the state shall each year auction the emission allowances of aircraft operators which the European Commission allocated to the state from the European Union verified total aviation emission allowance in 2010.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(5) The revenues generated from the auctioning shall be paid into the state budget and used in line with the state budget strategy. The annual budget records the volume of the revenue and expenditure relating to the auctioning in the respective year. The state budget strategy shall record the intended distribution of the use of the revenues generated from the auctioning, determine the intended purpose of the measures relating to climate policy and the ministers responsible for the use of the revenues. The revenues generated from the auctioning shall cover the administrative expenses of the auctioning of the trading system related to Estonia.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(6) The Government of the Republic shall establish by a regulation the general requirements for the use of and reporting regarding the revenues generated from the auctioning during the trading period from 2013 to 2020.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(7) In order to implement the measures determined in the state budget strategy pursuant to subsection (5) of this section, the minister responsible for the use of the revenues may establish by a regulation the requirements and procedure for the use of the revenues generated from the auctioning.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(8) At least 50 per cent of the revenues specified in subsection (1) of this section and generated from the auctioning, including the total revenue received from the emission allowances allocated to Estonia for the purpose of solidarity and economic growth or the amount equivalent to such revenues, shall be used for financing the targets restricting the generation of greenhouse gases. These objectives are:

- 1) encouragement to shift to less polluting modes of transport and public transport;
- 2) development of renewable energy in order to achieve the objective of Estonia to increase the share of renewable energy to 25 per cent by 2020 and the development of other technologies, including the promotion of small renewable energy solutions which contribute to the transition to a safe and sustainable and low-carbon emitting economy, as well as contributing to the European Union's goal of increasing energy efficiency by 20 per cent by 2020;
- 3) financing of energy efficiency and clean technologies in research and development in the sectors that are covered by Directive 2003/87/EC of the European Parliament and of the Council;
- 4) introduction of energy efficiency improvement and energy conservation measures;
- 5) financing of greenhouse gas emission reduction and climate change adaptation research, development and demonstration projects;
- 6) contributing to the Global Energy Efficiency and Renewable Energy Fund and the Adaptation Fund;
- 7) adaptation to the impact of climate change;

8) participation in the initiatives of the Estonian and the European Strategic Energy Technology Plan and the European Technology Platforms, as well as in the monitoring activities of the climate change mitigation policy and energy policy planning and the performance of these policies;

9) introduction of measures for prevention of deforestation, accelerating of afforestation and extensive regeneration of forests in developing countries which have ratified the Framework Convention on Climate Change, and facilitation of adaptation to the adverse effects of technology transfer and climate change in these countries;

10) containment of carbon dioxide in forestry.  
[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(9) The whole revenue generated from the auctioning of the emission allowances of aircraft operators specified in subsection (4) of this section shall be used for financing of the following targets limiting greenhouse gas emissions:

1) implementation of the objectives specified in clauses (8) 1) and 5) to 10) of this section;  
2) research and development in connection with the climate change mitigation and adaptation process, particularly in the field of aeronautics and air transport.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(10) In order to submit direct bids at auctions either for their own account or on behalf of the clients of their principal activity, the persons specified in clause 47 (1) 9) of the Securities Market Act shall apply for an authorisation from the Financial Supervision Authority.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(11) In order to submit direct bids at auctions on behalf of themselves or their customers for auction products, which are not financial instruments, investment firms and credit institutions shall apply for an authorisation from the Financial Supervision Authority.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(12) An authorization on the basis of subsection (11) of this section can be applied for by an investment firm holding an activity licence of an investment firm issued by the Financial Supervision Authority which complies with subsection 40 (1) of the Securities Market Act.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(13) An authorization may be applied for on the basis of subsection (1) of this section 1 by a credit institution holding an activity licence which complies with the Directive 2006/48/EC of the European Parliament and of the Council relating to the taking up and pursuit of the business of credit institutions (recast) (OJ L 177, 30.06.2006, pp. 1-200) which complies with subsection 3 (1) of the Credit Institutions Act.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(14) The proceedings of the authorisation specified in subsections (10) and (11) of this section are conducted in compliance with the provisions of §§ 51 to 53, subsections 54 (2) and (3), subsections 55 (1) to (4<sup>1</sup>) and § 55<sup>1</sup> and 56 of the Securities Market Act.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(15) The authorization specified in subsections (10) and (11) of this section is issued only on the condition that the applicant complies with the requirements provided for in Article 59(5) of the European Commission Regulation (EU) No 1031/2010 and, taking this into consideration, submits the documents specified in clauses 54 (1) 1)-5), 7)-10), 12), 13) and 15) of the Securities Market Act. Submission of the internal policies or their drafts specified in this clause 54 (1) 12) of the Securities Market Act shall be also based on the provisions of Article 59(2) of the European Commission Regulation (EU) No 1031/2010.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(16) The Financial Supervision Authority may revoke the authorisation specified in clauses (10) and (11) of this section pursuant to § 58 of the Securities Market Act on the basis of the exceptions provided for in the European Commission Regulation (EU) No 1031/2010 and the provisions of Article 59(6)(c) of the specified regulation. Upon revocation of the authorisation specified in clauses (10) and (11) of this section, the supervisory agency specified in subsection 120 (12) of this Act shall be involved in the proceedings.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(17) For exercising supervision over compliance with the requirements provided for in this Act and Article 59(2) and (5) of the European Commission Regulation (EU) No 1031/2010, the Financial Supervision Authority shall have the right to obtain information, free of charge, from the greenhouse gas emissions trading registry about reporting regarding greenhouse gas emissions.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(18) The Financial Supervision Authority shall have all the rights arising from the Financial Supervision Authority Act and specified in subsections 230 (1) and (5), §§ 230<sup>3</sup> and 233, clauses 234 (1) 1) and 3), §§

234<sup>1</sup> and clauses 235 1) and 5) of the Securities Market Act with respect to the applicant for authorisation specified in subsections (10) and (11) of this Act or the person to whom the specified authorisation is issued upon verification of the requirements and issue of precepts specified in Article 59(2), (3) and (5) of the European Commission Regulation (EU) No 1031/2010.  
[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

### § 119<sup>5</sup>. Allocation of free emission allowance credits for power generation

(1) The Ministry of the Environment shall organise the preparation of the national plan of investments made for the emission allowance credits allocated free of charge for power production during the period of 2013–2019 (hereinafter *investment plan*), use of and supervision over the use of the emission allowance credits allocated free of charge for the investments included in the plan.  
[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(2) Inclusion of investments in the investment plan may be applied for by an installation included in the system of trading with emission allowances of greenhouse gases which has been in operation or commenced the relevant investment before 31 December 2008 and which operator is:

- 1) electricity operator engaged in power generation, or
- 2) cogenerator who generates power in efficient cogeneration regime.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(3) The emission allowance credits allocated to operators free of charge pursuant to the investment plan of 2013 may total maximum 70 per cent of the verified average emission of greenhouse gases generated by such installations during 2005–2007 in the course of power generation upon final domestic electricity consumption. If an installation commenced its operation after 2007, the maximum of 70 per cent of the emission allowance credits allocated free of charge shall be allocated in 2013 pursuant to the investment plan based on a prior efficiency reference basis. After 2013, the rate of emission allowance credits allocated free of charge shall decrease by ten percentage point per year.  
[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(4) The Minister of the Environment shall establish by a regulation the prior efficiency reference basis specified in subsection (3) of this section.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(5) The Minister of the Environment shall announce the term for submitting applications for inclusion of investments in the investment plans which is published, together with the format of application for inclusion in the investment plans, on the website of the Ministry of the Environment.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(6) The Minister of the Environment may establish by a regulation the conditions and the procedure for application for inclusion in the investment plan.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(7) An investment included in the investment plan based on an application shall:

- 1) reduce the emissions of greenhouse gases cost-effectively and directly or indirectly;
- 2) be in concordance with the national development plan for the energy sector up to 2020, which was approved by a resolution of the *Riigikogu* on 15 June 2009;
- 3) be in concordance with all relevant European Union legislation and shall not strengthen the dominant position of a plant and cause unreasonable distortion of competition;
- 4) complement the investments which the Republic of Estonia has to make in order to comply with other objectives and legal requirements arising from the European Union law. The investment shall not increase the total volume of power generation of the installation during the period 2013–2019;
- 5) diversify the energy and supply sources of power generation and reduce the emission of greenhouse gases related to power generation;
- 6) ensure the sustainability of the investment result even after 2019, except in the case the investment is made in new technologies being tested;
- 7) be equivalent to the market value of the free emission allowance credits applied for or lower than the cost of the investment made pursuant to the application.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(8) If the investment specified in the application does not comply with the requirements specified in subsection (7) of this subsection, the applicant shall provide detailed justifications for the non-compliance in the application.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(9) The Ministry of the Environment submits the investment plan to the European Commission for approval.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(10) The Government of the Republic shall approve by an order the investment plan approved by the European Commission.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]



(11) The Minister of the Environment shall establish by a regulation the conditions of and the procedure for the use of the emission allowance credits allocated free of charge based on the investment plan.  
[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(12) The conditions of and the procedure for the use of the emission allowance credits allocated free of charge shall provide the following concerning the emission allowance credits:

- 1) obligations of the beneficiary;
- 2) the conditions of and procedure for the allocation;
- 3) procedure for use reporting and for auditing of the reports;
- 4) procedure for supervision over the beneficiary.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(13) If an operator was allocated emission allowances based on an investment plan and the operator does not comply with the requirements and procedure for the use of the emission allowances allocated free of charge to such extent that, as a consequence thereof, the investment specified in the investment plan is not carried out on time, the operator shall transfer money and interest to the account determined by the Ministry of the Environment in the value of the emission allowances allocated to such operator based on the investment plan according to the regulation of the Minister of the Environment established on the basis of subsection (11) of this section. The interest rate is six months Euribor plus five per cent per year. The basis for interest calculation is a period of 360 days.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(14) The Ministry of the Environment shall exercise supervision over the implementation of the investment plan.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(15) In the exercise of supervision, the Ministry of the Environment has the right to:

- 1) check the data, documents and other materials relating to the use of emission allowances allocated free of charge and access the data and documents relating to making of the investment within three working days as of the request thereof;
- 2) for quick conduct of the supervision, get written or oral explanations and all other necessary assistance from the operator or the representative thereof;
- 3) for the exercise of supervision, enter the premises and territories of the operator and other persons participating in the investment which were constructed using the emission allowances allocated free of charge or which are related to the use of the emission allowances allocated free of charge, and perform on-site inspections;
- 4) issue precepts ordering termination of violations relating to the use of the emission allowances allocated free of charge, prevention of further violations and elimination of the consequences of the violations;
- 5) apply subsection (13) of this section upon failure to comply with a precept or improper compliance therewith.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(16) It shall be monitored in the course of supervision that an investment would comply with the following indicators:

- 1) as a result of the investment, reduction of emission factor upon implementation of new technology in the installation in comparison with the emission factor before the installation of the new components or modernisation of the installation;
- 2) expected and implemented decrease in total greenhouse gas emissions generated by electricity production due to the investment;
- 3) expected and implemented decrease in the share of the dominant fossil fuel in electricity production due to the investment;
- 4) installed capacities, in megawatts, of renewable energy put on stream due to the investment;
- 5) share of emission allowance allocated free of charge in the total cost of the investment;
- 6) share of funding from other sources in the total investment;
- 7) expected financial performance of the investment.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

## **Division 2**

### **Project Activities and Trading with greenhouse gas emissions**

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

#### **§ 120. List of areas of activity and procedure for greenhouse gas emissions trading**

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(1) The list of areas of activities for operators included in the trading scheme shall be established by the Government of the Republic.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(2) The operators of stationary sources of pollution operating in the areas of activity listed by the Government of the Republic on the basis of subsection (1) of this section are required to hold a permit for emissions. Permits for emissions are issued by the Ministry of the Environment.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(3) The procedure for greenhouse gas emissions trading shall be established by a regulation of the Minister of the Environment.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(4) The procedure for greenhouse gas emissions trading provides:

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

- 1) the procedure for application for and issue of permits for emissions;
- 2) the requirements for application for permits for emissions and permits for emissions;
- 3) the procedure for application for and allocation of emission allowance credits allocated free of charge;
- 4) the requirements for applications for emission allowance credits allocated free of charge from the special reserve of aircraft operators;

- 5) the procedure for monitoring emissions of greenhouse gases;

- 5<sup>1</sup>) the procedure for reporting regarding greenhouse gas emissions;

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

- 6) procedure for verification of emissions of greenhouse gases;

- 7) claims for surrender of emission allowance credits;

- 8) procedure for surrender of emission allowance credits.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(5) Operators operating in the areas of activity specified in the regulation of the Government of the Republic established on the basis of subsection (1) of this section who have failed to comply in time with the requirement to surrender the emission allowance credits established on the basis of subsection (3) of this section are required to pay 100 euros per each tonne of emitted carbon dioxide equivalent which emission allowance credits are not surrendered. Payment of the specified amount of money shall not release the operator from its obligation to surrender the emission allowance credits corresponding to excess emissions no later than upon surrendering the emission allowance credits relating to the following calendar year.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(6) The Ministry of the Environment shall issue a precept to an operator for the payment of the amount of money specified in subsection (5) of this section and surrender of the emission allowance credits corresponding to excess emissions. The Environmental Supervision Act applies to the substance and proceedings of precepts.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(7) Penalty payments shall be applied upon failure to surrender the emission allowance credits corresponding to excess emissions in compliance with the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 10,000 euros.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(8) If an operator fails to pay the amount of money specified in subsection (5) of this section by the date provided for in the precept, the operator is obliged to pay interest on the outstanding amount at the daily rate of 0.06 per cent. The interest shall be calculated by the Ministry of the Environment. The interest shall be calculated as of the day following the day on which the payment was due pursuant to law until the date of payment, inclusive of the latter.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(9) The greenhouse gases emission credits in effect during the trading period shall be registered with the greenhouse gas emissions trading registry and transactions are concluded therewith through the specified register according to the following legislation:

- 1) Directive 2003/87/EC of the European Parliament and of the Council;

- 2) Decision No 280/2004/EÜ of the European Parliament and of the Council concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol (OJ L 49, 19.02.2004, pp. 1-8; special edition in Estonian: Chapter 15, Volume 8, pp. 57-64);

- 3) European Commission Regulation (EU) No 389/2013.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(10) State fees are charged for the performance of acts of the greenhouse gas emissions trading registry pursuant to the rates provided for in the State Fees Act.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(11) An operator of stationary sources of pollution and an aircraft operator are exempted from payment of state fees for review of applications for opening of holding or trading accounts and for annual maintenance of holding and trading accounts.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(12) The Ministry of the Environment exercises supervision over greenhouse gases emissions trading in the greenhouse gas emissions trading registry in accordance with European Commission Regulation (EU) No 389/2013.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

### **§ 120<sup>1</sup>. Joint Implementation**

(1) A Joint Implementation for the purposes of this Act is the project activities provided for in Article 6 of the Kyoto Protocol in the framework of which the developed countries which have ratified the Kyoto Protocol or an operator of a developed country shall be granted the right, upon financing of a project for reduction of emissions of greenhouse gases in another developed country which has ratified the Kyoto Protocol, to hold the units of reduction of emissions of greenhouse gases achieved as a result of the implementation of such project for the performance of the obligations specified in Annex B to the Kyoto Protocol.

(2) An emission reduction unit for the purposes of this Act is the reduction of emissions of greenhouse gases as a result of the implementation of the Joint Implementation and expressed as the equivalent in carbon dioxide.  
[RT I 2007, 19, 95 - entry into force 11.03.2007]

### **§ 120<sup>2</sup>. Clean Development Mechanism**

(1) The Clean Development Mechanism for the purposes of this Act is the project activities provided for in Article 12 of the Kyoto Protocol in the framework of which the developed countries which have ratified the Kyoto Protocol or an operator of a developed country shall be granted the right, upon financing of a project for reduction of emissions of greenhouse gases in a developed country which has ratified the Kyoto Protocol, to hold verified emission units of emissions of greenhouse gases achieved as a result of the implementation of such project for the performance of the obligations specified in Annex B to the Kyoto Protocol.

(2) Verified emission reduction units for the purposes of this Act are the reductions of greenhouse gas emissions as a result of the implementation of the Clean Development Mechanism and expressed as the equivalent in carbon dioxide.  
[RT I 2007, 19, 95 - entry into force 01.01.2009]

### **§ 120<sup>3</sup>. Use of units obtained from project activities in trading scheme**

(1) An operator operating in the area of activity established by the Government of the Republic pursuant to subsection 120 (1) of this Act may use in the trading system all the verified emission reduction units and emission reduction units, which have been obtained by means of project activities and which may be used pursuant to the Framework Convention on Climate Change and the Kyoto Protocol and the decisions adopted on the basis thereof, with the exception of the following:

- 1) project activities relating to nuclear facilities;
- 2) project activities relating to land use, modification of land use and forestry.

(2) An operator of a stationary sources of pollution operating in the area of activity specified in the regulation established by the Government of the Republic on the basis of subsection 120 (1) of this Act may use, for the performance of the duties thereof, during the period from 2008 to 2020, verified emission reduction units and emission reduction units to the extent of no less than 11 per cent of the emission allowances allocated to such operator free of charge during the period from 2008 to 2012.

(3) An aircraft operator operating in the area of activity specified in the regulation established by the Government of the Republic on the basis of subsection 120 (1) of this Act may use, during the trading period from 2013 to 2020, verified emission reduction units and emission reduction units to the extent of no less than 1.5 per cent of its verified greenhouse gas emissions during the same trading period. An entrant in the trading scheme may use, during the trading period from 2013 to 2020, verified emission reduction units and emission reduction units to the extent of no less than 4.5 per cent of its verified greenhouse gas emissions during the same trading period.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

### **§ 120<sup>4</sup>. Avoidance of double counting**

**[Repealed - RT I, 12.07.2013, 1 - entry into force 01.08.2013]**

### **§ 120<sup>5</sup>. Green Investment Scheme**

(1) A green investment scheme for the purposes of this Act is the channelling of the funds received from trading with assigned amount units of the state pursuant to Article 17 of the Kyoto Protocol to green projects or programmes.

[RT I 2010, 26, 130 - entry into force 05.06.2010]

(2) State assigned amount unit for the purposes of this Act is a unit which gives the right to the state to emit one tonne of carbon dioxide equivalent into the ambient air during a specified period.

[RT I 2010, 26, 130 - entry into force 05.06.2010]

(3) In addition to other green projects and programmes, reconstruction of private houses by natural persons, purchase and installation of equipment for the production of renewable energy for private houses and purchase of electric cars and charging devices and installation thereof shall be also supported through the Green Investment Scheme.

[RT I, 04.07.2012, 4 - entry into force 01.07.2011]

#### **§ 120<sup>6</sup>. Trading with state assigned amount units**

(1) For the organisation of trading with state assigned amount units, the Minister of the Environment may enter into a contract under public law under the conditions and pursuant to the procedure provided for in the Administrative Co-operation Act, without applying subsections 5 (2) and (3) and subsection 6 (2) of the specified Act.

(2) Supervision over compliance with the contracts under public law specified in subsection (1) of this section shall be exercised by the Ministry of the Environment.

(3) If a contract under public law is terminated unilaterally or any other circumstances arise which prevent the person specified in subsection (1) of this section to whom the performance of the administrative duty was assigned from further performance of the administrative duty, the Ministry of the Environment shall organise further performance of the administrative duty.

[RT I 2010, 26, 130 - entry into force 05.06.2010]

#### **§ 120<sup>7</sup>. Implementation of Green Investment Scheme**

(1) The Government of the Republic shall determine by an order an appropriate minister as the user of the funds received on the basis of a state assigned amount units trading agreement entered into for the implementation of each Green Investment Scheme (hereinafter *user of funds*) and as appropriate the general conditions for the use of the funds.

(2) For the execution of the order specified in subsection (1) of this section, the user of the funds may establish by a regulation the conditions of and the procedure for the use of the funds received from trading with assigned amount units.

(3) For the use of the funds received from trading with state assigned amount units and the implementation of the Green Investment Scheme, the user of the funds may enter into a contract under public law under the conditions and pursuant to the procedure provided for in the Administrative Co-operation Act, without applying subsections 5 (2) and (3) and subsection 6 (2) of the specified Act. The duty of granting support to persons and the right to perform all the acts required for the performance of this duty may be *inter alia* transferred by a contract under public law.

(4) Supervision over compliance with contracts under public law specified in subsection (3) of this section shall be exercised by the user of the funds who entered into a contract under public law.

(5) If a contract under public law is terminated unilaterally or any other circumstances arise which prevent the person specified in subsection (3) of this section to whom the performance of the administrative duty was assigned from further performance of the administrative duty, the user of the funds who entered into the relevant contract under public law shall organise further performance of the administrative duty.

[RT I 2010, 26, 130 - entry into force 05.06.2010]

#### **§ 120<sup>8</sup>. Conditions of and procedure for use of funds received from trading with state assigned amount units and obligations of applicants**

(1) The regulation specified in subsection 120<sup>7</sup>(2) of this Act provides the following for the grant of support from the funds received from trading with state assigned amount units:

- 1) objective of granting the support and activities supported;
- 2) eligible and non-eligible expenditure;
- 3) maximum rate of support and in the case self-financing is required, the minimum rate thereof;
- 4) requirements set for applicants;
- 5) requirements set for applications for support (hereinafter *application*);
- 6) evaluation criteria and the procedure for evaluation of the applications;
- 7) conditions of and procedure for satisfaction or refusal of applications.

(2) Pursuant to clause (1) 4) of this section, the following requirements may be established for applicants for support:

- 1) the applicant is solvent;
- 2) the applicant has not received money earlier as compensation for such expense from the state budget funds, European Union funds or funds of foreign aid;
- 3) the applicant complies with the other requirements set out in the eligibility criteria for the use of the funds.

(3) An applicant is required:

- 1) to certify at the request of the person conducting the proceedings the existence of self-financing or other funds or documents prescribed in the eligibility criteria for the use of the funds.
- 2) at the request of the person conducting the proceedings of the application, to submit additional information concerning the applicant and the application;
- 3) to allow inspection of compliance of the application and the applicant to the requirements, in particular to perform on-site inspections;
- 4) to notify the person conducting the proceedings immediately of changes in the data presented in the application for support or of circumstances which may affect the making of the decision on the application for support.

[RT I 2010, 26, 130 - entry into force 05.06.2010]

### **§ 121. Content of application for permit for emissions and content of permit**

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(1) An application for a permit for emissions shall contain at least the following data:

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

- 1) the name, commercial registry code and address of the operator;
- 2) a description of the technology used in the area of activity, and of the raw materials and additives the use of which is likely to cause the formation of greenhouse gases;
- 3) emissions of different greenhouse gases, set out separately for each source of pollution;
- 4) planned methodology for pollution monitoring, including the methods and frequency of monitoring.
- 5) [Repealed - RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(2) A permit for emissions shall contain the information set forth in subsection (1) of this section and the following additional data:

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

- 1) the name of the issuer of the licence;
- 2) [Repealed - RT I, 12.07.2013, 1 - entry into force 01.08.2013]
- 3) requirement of monitoring;
- 4) requirement of reporting;
- 5) time of validity of the permit.

### **§ 121<sup>1</sup>. Joint activities of operators**

[Repealed - RT I, 12.07.2013, 1 - entry into force 01.08.2013]

### **§ 121<sup>2</sup>. Decision on grant of emission permit**

(1) The issue of or refusal to issue an emission permit shall be decided by the Ministry of the Environment on the basis of the application submitted and the information annexed thereto and additionally submitted upon request of the Ministry of the Environment based on the provisions of this Act and legislation established on the basis thereof.

(2) The Ministry of the Environment shall make a decision concerning the issue of or refusal to issue an emission permit within one month as of submission of the emission application prepared in compliance with the requirements of this Act and all the documents appended thereto and the additional data which is requested from the emissions applicant pursuant to this Act.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

### **§ 121<sup>3</sup>. Refusal to grant emission permit**

The Ministry of the Environment shall refuse to grant an emission permit if:

- 1) the emissions applicant is not operating in the area of activity specified in the regulation established by the Government of the Republic on the basis of subsection 120 (1) of this Act or does not exceed the threshold value established for holding the emission permit in this area of activity;
- 2) an emission permit applicant does not hold an ambient air pollution permit or integrated environmental permit;
- 3) there are significant inconsistencies between the data submitted in the emission permit application and the ambient air pollution permit or integrated environmental permit granted to the installation;
- 4) the permit applicant has fails to submit the information required pursuant to this Act, or submits misleading or inaccurate information or falsified documents;
- 5) compulsory dissolution has been imposed on the emissions permit applicant for any offence and a court judgment to this effect has entered into force;

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

#### **§ 121<sup>4</sup>. Obligation of holder of emission permit to inform of changes in information stated in emission permit and amendment of emission permit**

(1) The holder of an emission permit shall immediately inform the Ministry of the Environment of changes in its business name, registry code, operator of a stationary source of pollution or other information entered in the emission permit.

(2) An emission permit shall be amended if:

- 1) the holder of the permit notified the Ministry of the Environment of the changes in the information entered in the permit;
- 2) the legislation which constituted the basis for the requirements set by the emission permit has been amended;
- 3) there is any other basis provided by law.

(3) The Ministry of the Environment amends the emission permit or issues a new emission permit within 30 days as of the receipt of the relevant notice.

(4) The Ministry of the Environment shall review the requirements for emission permits at least every five years and amend the emission permits, if necessary.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

#### **§ 121<sup>5</sup>. Suspension and restoration of validity of emission permit**

(1) Upon suspension of the activities of an installation for a term of more than six months, the operator shall inform the Ministry of the Environment thereof in writing at least one month prior to the suspension of the activities of the installation. The Ministry of the Environment shall suspend the validity of the emission permit as of the suspension of the activities of the installation.

(2) The Ministry of the Environment shall suspend the allocation of free emission allowances to such installation of the operator which emission permit is suspended.

(3) An operator shall inform the Ministry of the Environment of recommencement of the activities of an installation in writing at least one month prior to the commencement of the activities of the installation. The Ministry of the Environment shall restore the validity of the emission permit as of the commencement of the activities of the installation.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

#### **§ 121<sup>6</sup>. Revocation of emission permit**

(1) The Ministry of the Environment shall revoke an emission permit if:

- 1) the holder of the emission permit requests it;
- 2) it becomes evident that, upon application for the emission permit, the applicant for the emission permit knowingly submitted misleading or inaccurate data or other information or falsified documents;
- 3) the activities of the holder of the emission permit does not comply with the requirements provided by the emission permit;
- 4) compulsory dissolution has been imposed on the holder of the emission permit for any offence and a court judgment to this effect has entered into force;
- 5) the holder of the emission permit is bankrupt or liquidated as a legal person;
- 6) it becomes evident that other circumstances exist which, pursuant to this Act, constitute a basis for refusal to grant an emission permit.

(2) The notice on revocation of an emission permit shall be published on the website of the Ministry of the Environment within five working days as of the revocation of the emission permit.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

#### **§ 121<sup>7</sup>. Verification of reports of emission allowances and accreditation of environmental verifiers**

(1) Verification denotes the assessment of the credibility and accuracy of the data presented in the report on emission allowances (hereinafter *emissions report*) which is made by a verifier pursuant to the procedure established by a regulation of the Minister of the Environment on the basis of subsection 120 (3) of this Act.

(2) A verifier is the person who is accredited for the activity specified in subsection (1) of this section.

(3) The emission reduction credits from implementation of Joint Implementation projects may be verified by the person specified in subsection (2) of this section.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

#### **§ 122. Reporting and supervision over correctness of information submitted in reports**

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(1) Operators operating in the areas of activity specified in the regulation of the Government of the Republic established on the basis of subsection 120 (1) of this Act shall submit an emission report on verified emissions concerning the preceding calendar year to the Ministry of the Environment by 25 March each year together with the verification report and greenhouse gas emissions verification decision prepared by the verifier and organise the verification of the emissions of the previous year in the greenhouse gas emissions trading registry pursuant to the procedure established by a regulation of the Minister of the Environment on the basis of subsection 120 (3) of this Act.

(2) If the verified emission of the previous calendar year of an operator of a stationary source of pollution or an aircraft operator operating in the area of activity specified in the regulation established by the Government of the Republic on the basis of subsection 120 (1) of this Act is not verified at the latest by 31 March in the greenhouse gas emissions trading registry by an accredited verifier, the European Commission shall block the holding account of such operator in the specified register until the specified emission is verified.

(3) The Environmental Inspectorate exercises supervision over correctness of the information submitted in greenhouse gas emission reports.

(4) In the exercise of supervision, the Environmental Inspectorate shall have the right to issue precepts. The Environmental Supervision Act applies to the exercise of supervision.

(5) Upon failure to comply with the precepts specified in subsection (4) of this section, a penalty payment may be imposed by supervisory officials pursuant to the procedure provided by the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 3200 euros.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

#### **§ 122<sup>1</sup>. Surplus of reserve of entrants into scheme**

**[Repealed - RT I, 12.07.2013, 1 - entry into force 01.08.2013]**

#### **§ 122<sup>2</sup>. Accessibility of information**

(1) The Ministry of the Environment shall disclose information on its website concerning free emission allowances allocation plans, Joint Implementation and Clean Development Mechanism project activities and annual greenhouse gas emissions of installations.

[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(2) The Ministry of the Environment shall disclose on its website the names of the operators who violate the requirement to surrender the emission allowance credits established on the basis of subsection 120 (3) of this Act.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

## **Division 3 Capture, Transportation and Geological Storage of Carbon Dioxide**

[RT I, 21.12.2011, 1 - entry into force 31.12.2011]

#### **§ 122<sup>3</sup>. Geological storage of carbon dioxide**

(1) Geological storage of carbon dioxide denotes the injection of carbon dioxide in underground geological formations for the purpose of permanent storage.

(2) This Act does not apply to such geological storage of carbon dioxide where the total volume carbon dioxide is less than 100 kilotonnes and the storage is undertaken for research, development or testing of new products and processes.

[RT I, 21.12.2011, 1 - entry into force 31.12.2011]

#### **§ 122<sup>4</sup>. Restriction on transportation of carbon dioxide captured for geological storage**

Carbon dioxide captured for geological storage shall not be transported for the purpose of geological storage outside the territory of the member states of the European Union, their economic zones or continental shelves for the purposes of the United Nations Convention on the Law of the Seas.

[RT I, 21.12.2011, 1 - entry into force 31.12.2011]

### **§ 122<sup>5</sup>. Pipelines for transportation of carbon dioxide captured for geological storage**

(1) Pipelines for the transportation of carbon dioxide captured for geological storage (hereinafter *transportation pipelines*) are pressure pipelines and a fixed operational assembly of facilities connected thereto, which is necessary for the transfer and injection of geologically stored carbon dioxide into a suitable geological formation.

(2) Pipelines on installation sites which are necessary for capture and compression of carbon dioxide emitted in industrial processes shall not be considered as transportation pipelines.

[RT I, 21.12.2011, 1 - entry into force 31.12.2011]

### **§ 122<sup>6</sup>. Requirements for transportation pipelines**

(1) The requirements for planning and construction of construction works apply to the planning and construction of transportation pipelines.

(2) Pressure equipment safety requirements apply to the installation, putting into service, use, reconstruction and repair of transportation pipelines.

[RT I, 21.12.2011, 1 - entry into force 31.12.2011]

### **§ 122<sup>7</sup>. Connection to transportation pipelines**

(1) Connection to transportation pipelines denotes the connection of an installation or carbon dioxide transportation pipelines to the carbon dioxide transportation pipelines belonging to another person.

(2) The owner of transportation pipelines shall allow connection to the carbon dioxide transportation pipelines belonging to the owner within the technical limits thereof, unless this would endanger the existing transport performance. Refusal to allow connection to transportation pipelines shall be substantiated in writing.

(3) The owner of transportation pipelines who has refused connection due to absence of technical capability shall make the changes necessary for allowing connection, as far as it is economic to do so or when a potential connected party is willing to pay for them, provided this would not have a negative impact on the environmental security on transportation of carbon dioxide.

(4) The owner of transportation pipelines shall develop the conditions for connection to carbon dioxide transportation pipelines (hereinafter *connection conditions*).

(5) The connection conditions shall:

- 1) be transparent and unambiguous;
- 2) comply with the principle of equal treatment of similar connected parties;
- 3) consider the technical capability of transportation pipelines.

(6) The owner of transportation pipelines shall publish on its website:

- 1) the technical data regarding the transportation pipelines and data on the transport performance achieved;
- 2) connection conditions;
- 3) data regarding the principles of the formation of transportation pipelines connection fees;
- 4) data regarding the storage sites and storage capacities of carbon dioxide transported by transportation pipelines.

[RT I, 21.12.2011, 1 - entry into force 31.12.2011]

### **§ 122<sup>8</sup>. Requirements for composition of carbon dioxide captured for geological storage**

(1) Carbon dioxide captured for geological storage shall not contain additives, excluding substances originating from the source upon capture of carbon dioxide or incidental associated substances from the capture or injection process and detection agents required for monitoring of migration of carbon dioxide.

(2) An operator who engages in capture of carbon dioxide shall analyse at least once per calendar month the composition of other substances in the carbon dioxide captured for geological storages, and determine the content of substances classified as corrosive pursuant to the Chemicals Act, Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 136, 29.05.2007, pp. 3–280) and Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, pp. 1–1355).

[RT I, 21.12.2011, 1 - entry into force 31.12.2011]



### **§ 122<sup>9</sup>. Reporting on capture and transportation of geologically stored carbon dioxide**

(1) An operator who engages in capture of geologically stored carbon dioxide shall submit data to the Ministry of the Environment by 31 March each year regarding the quantity of carbon dioxide captured during the preceding calendar year, the measurement methods and chemical composition thereof by installations.

(2) The owner of transportation pipelines shall submit data to the Ministry of the Environment by 31 March each year regarding the quantity and measurement methods of carbon dioxide injected during the preceding calendar year through the owner's transportation pipelines.

(3) The quantities of carbon dioxide captured for geological storage and transported shall be determined pursuant to Commission Decision 2010/345/EC amending Decision 2007/589/EC as regards the inclusion of monitoring and reporting guidelines for greenhouse gas emissions from the capture, transport and geological storage of carbon dioxide (OJ L 155, 22.06.2010, p. 34-47).

[RT I, 21.12.2011, 1 - entry into force 31.12.2011]

### **§ 122<sup>10</sup>. Assessment of possible functioning of capture and transportation of geologically stored carbon dioxide emitted by large combustion plants**

(1) An operator of large combustion plants with the rated electrical output of the combustion plants of 300 megawatts or more shall submit, prior to obtaining a building permit for the large combustion plant, an assessment to the Ministry of the Environment of whether:

- 1) sites suitable for geological storage of carbon dioxide are available;
- 2) transportation of carbon dioxide is technically and economically feasible;
- 3) retrofitting for carbon dioxide capture system is technically and economically feasible.

(2) The Ministry of the Environment shall make a decision about the possible functioning of the capture and transportation of carbon dioxide emitted by large combustion plants, using the assessment specified in subsection (1) of this section and other available information, including the information concerning human health and protection of the environment.

(3) If the Ministry of the Environment decides that it is possible to capture and transport carbon dioxide emitted by large combustion plants, the operator of a large combustion shall ensure that there is sufficient space on the site of the large combustion plant for the equipment necessary to capture and compress carbon dioxide.

[RT I, 21.12.2011, 1 - entry into force 31.12.2011]

### **§ 122<sup>11</sup>. Disclosure of information relating to geological storage of carbon dioxide**

The Ministry of the Environment shall disclose on its website the environmental information relating to capture and transportation of carbon dioxide for the purpose of geological storage.

[RT I, 21.12.2011, 1 - entry into force 31.12.2011]

## **Division 4**

# **Fluorinated greenhouse gases and handling thereof and register of products, equipment, systems and containers containing fluorinated greenhouse gases and substances that deplete ozone layer and of their handling operations**

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

### **§ 122<sup>12</sup>. Fluorinated greenhouse gases**

Fluorinated greenhouse gases for the purposes of this Act are the substances and preparations containing such substances which are specified in Article 2 (1) of Regulation (EC) No 842/2006 of the European Parliament and of the Council on certain fluorinated greenhouse gases (OJ L 161, 14.06.2006, p. 1-11).

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

### **§ 122<sup>13</sup>. Organisation of application of legislation concerning fluorinated greenhouse gases and reporting**

The Ministry of the Environment shall organise the implementation of legislation concerning fluorinated greenhouse gases and state reporting on the basis of the requirements of the Framework Convention on Climate Change, the Kyoto Protocol and the European Union legislation concerning fluorinated greenhouse gases.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

## **§ 122<sup>14</sup>. Products, equipment and systems containing fluorinated greenhouse gases, handling and operator of fluorinated greenhouse gases**

(1) The products, equipment and systems containing fluorinated greenhouse gases denote all the products, equipment and systems containing or potentially containing fluorinated greenhouse gases specified in the Regulation (EC) No 842/2006 of the European Parliament and of the Council, including containers used for transportation and storage of fluorinated greenhouse gases.

(2) For the purposes of this Act, handling of fluorinated greenhouse gases denotes the marketing, purchase, selling, use and capture of fluorinated greenhouse gases for the purposes of recycling, reclamation or destruction, and the destruction thereof, and production, marketing, labelling, installation, maintenance and servicing of products, equipment and containers containing such substances or relying on such substances and containment of leakage of the substance contained in such products, equipment and systems specified in Regulation (EC) No 842/2006 of the European Parliament and of the Council and the following Commission Regulations:

- 1) Article 2 of Commission Regulation (EC) No 303/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases (OJ L 92, 03.04.2008, p. 3-11);
- 2) Article 2 of Commission Regulation (EC) No 304/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases (OJ L 92, 03.04.2008, p. 12-16);
- 3) Article 1 of Commission Regulation (EC) No 305/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gases from high-voltage switchgear (OJ L 92, 03.04.2008, p. 17-20);
- 4) Article 1 of Commission Regulation (EC) No 306/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment (OJ L 92, 03.04.2008, p. 21-24);
- 5) Article 1 of Commission Regulation (EC) No 307/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases (OJ L 92, 03.04.2008, p. 25-27);
- 6) Article 1 of Commission Regulation (EC) No 1494/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, the form of labels and additional labelling requirements as regards products and equipment containing certain fluorinated greenhouse gases (OJ L 332, 18.12.2007, p. 25-26);
- 7) Article 1 of Commission Regulation (EC) No 1497/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases (OJ L 333, 19.12.2007, p. 4-5);
- 8) Article 1 of Commission Regulation (EC) No 1516/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases (OJ L 335, 20.12.2007, p. 10-12).

(3) The owner of fluorinated greenhouse gases, products, equipment or systems containing or relying on such substances is an operator of fluorinated greenhouse gases, products, equipment or systems containing or relying on such substances.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

## **§ 122<sup>15</sup>. Register of products, equipment, systems and containers containing fluorinated greenhouse gases and substances that deplete ozone layer and of their handling operations**

(1) The register of the products, equipment, systems and containers containing fluorinated greenhouse gases and substances that deplete the ozone layer and of their handling operations FOKA (hereinafter *FOKA register*) is a database in the State Information Systems containing:

- 1) data on the area of use of products, equipment, systems or containers containing three kilograms or more of fluorinated greenhouse gases or substances that deplete the ozone layer;
- 2) data on the quantity and type of substances contained in products, equipment, systems or containers containing three kilograms or more of fluorinated greenhouse gases or substances that deplete the ozone layer;
- 3) data on the handling operations of products, equipment, systems or containers containing three kilograms or more of fluorinated greenhouse gases or substances that deplete the ozone layer;
- 4) reports prepared on products, equipment and systems containing fluorinated greenhouse gases.

(2) The statutes and procedure for maintaining the FOKA register, the procedure for submission of information and the forms for submission of data to the FOKA register shall be established by a regulation of the Minister of the Environment.

(3) The chief processor of the FOKA register is the Ministry of the Environment.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

**§ 122<sup>16</sup>. Obligation to enter data on fluorinated greenhouse gases and substances that deplete ozone layer in FOKA register**

(1) Operators shall register the products, equipment or systems containing three kilograms or more of fluorinated greenhouse gases in the FOKA register within two weeks as of the acquisition thereof.

(2) If the products, equipment, systems or containers containing three kilograms or more of fluorinated greenhouse gases or substances that deplete the ozone layer are already entered in the FOKA register, the operator thereof shall register the transfer, transfer of a usufruct or disposal from use and transfer to waste operators of such product, equipment, system or container in the FOKA register within two weeks as of the respective operation.

(3) The competent person that performs the handling operation shall register the handling operations with a product, equipment, system or container containing three kilograms or more of fluorinated greenhouse gases or substances that deplete the ozone layer in the FOKA register within three working days as of the operation.

(4) If a product, equipment or system containing three kilograms or more of fluorinated greenhouse gases is changed in the course of reconstruction, the operator shall complement the FOKA register by the data of such new product, equipment or system within two weeks as of the completion of the reconstruction.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

**§ 122<sup>17</sup>. Professional certificates and partial professional certificates of personnel handling fluorinated greenhouse gases**

(1) Persons engaged in handling fluorinated greenhouse gases (hereinafter *employees*) shall have the personnel certificates or professional or partial professional certificates in compliance with the Commission Regulation specified in subsection (2) of this section.

(2) Professional certificates and partial professional certificates certify the competence of an employee to perform handling operations which are specified in:

- 1) Article 2 (1) of Commission Regulation (EC) No 303/2008;
- 2) Article 2 (1) of Commission Regulation (EC) No 304/2008;
- 3) Article 1 of Commission Regulation (EC) No 305/2008;
- 4) Article 1 of Commission Regulation (EC) No 306/2008;
- 5) Article 1 of Commission Regulation (EC) No 307/2008.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

**§ 122<sup>18</sup>. Issue of professional certificates and partial professional certificates**

(1) The Professions Act shall be applied to the issue of professional certificates and partial professional certificates with the specifications arising from the Commission Regulations specified in subsection 122<sup>17</sup>(2) of this Act.

(2) In addition to the minimum personnel competence requirements provided for in the Commission Regulations specified in subsection 122<sup>17</sup>(2) of this Act, an employee holding a professional certificate or partial professional certificate who handles fluorinated greenhouse gases shall know the legislation of Estonia relating to the profession.

(3) In addition to the provisions of the Professions Act, the body that awards professions and specified in § 10 of the Professions Act shall comply with the requirements established for certification and assessment bodies and attestation bodies which are established by the Commission Regulation specified in subsection 122<sup>17</sup>(2) of this Act.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

**§ 122<sup>19</sup>. Mutual recognition**

The right of a person of another Member State of the European Union to operate in the Republic of Estonia in the areas of activity regulated by the Commission Regulation specified in subsection 122<sup>17</sup>(2) of this Act is certified by a personnel certificate or company certificate issued in the relevant Member State in compliance with the above-mentioned Regulation. The personnel or company certificate shall have been translated into the Estonian or English language, except in the case the document is in English. The translation shall be certified by a notary or sworn translator.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

## § 122<sup>20</sup>. Permit for handling products, equipment and systems containing fluorinated greenhouse gases

(1) Permits for handling products, equipment and systems containing fluorinated greenhouse gases (hereinafter *handling permit*) is a document which certifies that the person has proper personnel for handling the products, equipment and systems containing fluorinated greenhouse gases and such person implements the work equipment and methods required for handling products, equipment or systems containing fluorinated greenhouse gases in its economic or professional activities.

(2) Handling permits are issued by the Environmental Board (hereinafter *issuer of permits*) for an unspecified term.

(3) The issuer of the permit may form a handling permits committee which main function is to consult the issuer of the permit in the issues relating to issue, amendment and revocation of handling permits.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

## § 122<sup>21</sup>. Mandatory nature of handling permit

(1) A handling permit is mandatory on the basis of Regulation (EC) No 842/2006 of the European Parliament and of the Council for persons operating in the areas of activity:

- 1) handling of stationary refrigeration, air conditioning and heat pump equipment containing or potentially containing fluorinated greenhouse gases;
- 2) handling of fire protection systems and fire extinguishers containing or potentially containing fluorinated greenhouse gases.

(2) The operations specified in Articles 2(2) and 2(1)(1)(a) and (b) of Commission Regulation (EC) No 303/2008 and Articles 2(2) and 2(1)(a) and (b) of Commission Regulation (EC) No 304/2008 are the handling operations that require a handling permit in the areas of activity specified in subsection (1) of this section.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

## § 122<sup>22</sup>. Application for handling permit

(1) In order to obtain a handling permit, the person applying for a handling permit (hereinafter *applicant*) shall submit to the issuer of permit a written application containing the following data and documents:

- 1) the business name, registry code and contact details of the applicant;
- 2) data on the area of activity and handling operations for which the handling permit is applied;
- 3) data on the employee who has such professional certificate or partial professional certificate in Estonia or a relevant personnel certificate of another Member State of the European Union and whom the applicant engages in its work;
- 4) data on the work volumes indicating that the applicant has a sufficient number of personnel certified in compliance with the Commission Regulation specified in subsection 122<sup>17</sup>(2) of this Act in order to perform the handling operations requiring the handling permit in the described work volume or an estimate of an operator starting operations of the expected work volume;
- 5) a list of work equipment at the disposal of the applicant;
- 6) descriptions of the work methods of the applicant;
- 7) the name, official title, contact details of the applicant and a confirmation that the data provided in the application are correct;
- 8) the date of submission of the application;
- 9) a confirmation that the applicant has no punishment in force for operating without a handling permit in any area of activity for which a handling permit is required pursuant to this Act, and an extract from the punishment register;
- 10) data which enable verification of the payment of state fees pursuant to subsection 9 (4) of the State Fees Act or a payment document concerning payment of the state fee.

(2) If the applicant wishes to perform several types of handling operations in one area of activity, these shall be indicated in one application for a handling permit.

(3) The issuer of the permit shall have the right to verify at any time the correctness of the information submitted in the application for a handling permit and compliance of the activities of the applicant for and holder of the handling permit with the legislation, and to perform on-site inspections.

(4) If a handling permit is revoked on the basis of clauses 122<sup>28</sup> (1) 2)–5) and 7) of this Act, the applicant may not submit a new application for a handling permit before 12 calendar months have expired from the revocation of the handling permit.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

## § 122<sup>23</sup>. Information and conditions set out in handling permit

(1) A handling permit shall set out:

- 1) the registration number and date of issue of the handling permit;
- 2) the name and contact details of the issuer of the handling permit;
- 3) the business name, registry code and contact details of the holder of the handling permit;

- 4) the area of activity and handling operations specified in § 122<sup>21</sup> of this Act;
- 5) the date of submission of the application for the handling permit;
- 6) the name, official title and signature of the representative of the issuer of the permit.

(2) The conditions of a handling permit which constitute a part of the handling permit and which the issuer of the permit establishes in its decision to issue the handling permit and the holder of the handling permit is required to meet such conditions.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 122<sup>24</sup>. Decision on issue of handling permit**

(1) The issue of or refusal to issue a handling permit shall be decided by the issuer of the permit on the basis of the application submitted and the information annexed thereto and additionally submitted upon request of the issuer of the permit based on the provisions of this Act and legislation established on the basis thereof.

(2) The issuer of the permit shall make a decision concerning the issue of or refusal to issue a handling permit within two months as of submission of the application prepared in compliance with the requirements of this Act and all the documents appended thereto and the additional data which the issuer of the permit demands from the applicant pursuant to this Act.

(3) A decision on the issue of or refusal to issue a handling permit shall be communicated to the applicant by post or by electronic means within three working days as of the making of the decision.

(4) If an application for a handling permit is not reviewed during the time limit, the handling permit shall not be deemed issued to the applicant by default upon expiry of the time limit.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 122<sup>25</sup>. Refusal to issue handling permit**

The issuer of the permit shall refuse to issue a handling permit, if:

- 1) the applicant fails to submit the information required pursuant to this Act, or submits misleading or inaccurate information or falsified documents;
- 2) the applicant does not comply with the minimum certification requirements established for companies by Commission Regulation (EC) No 303/2008 or Commission Regulation (EC) No 304/2008 and the requirements provided for the applicant in this Act and on the basis thereof;
- 3) the activity specified in the application for the permit does not comply with the requirements of the legislation;
- 4) the applicant has been punished for operation without a handling permit in an area of activity in which a handling permit is required pursuant to § 122<sup>21</sup> of this Act and the terms specified in § 24 of the Punishment Register Act have not expired;
- 5) compulsory dissolution has been imposed on the applicant for any offence and a court judgment to this effect has entered into force;
- 6) the applicant has not paid the state fee.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 122<sup>26</sup>. Amendment of handling permit**

(1) A handling permit shall be amended, if:

- 1) the data specified in clause 122<sup>22</sup>(1) 1) of this Act have changed;
- 2) the data specified in clauses 122<sup>22</sup>(1) 2), 3) and 5) of this Act have changed, if this affects the handling operations permitted by the handling permit;
- 3) the work volume of the holder of the permit has increased by 20% or more, if this affects the handling operations permitted by the handling permit;
- 4) the legislation which constituted the basis for the requirements set by the handling permit has been amended;
- 5) there is any other basis provided by law.

(2) In the cases where the amendment of a handling permit is initiated by a holder of the permit, the holder of the permit shall submit to the issuer of the permit the data which constitute the basis for the amendment specified in subsection (1) of this section.

(3) In the cases where the amendment of a handling permit is initiated by the issuer of the permit, the issuer of the permit shall inform the holder of a permit in writing of the reason for the amendment of the handling permit and set a term for submission of the data and documents required for amendment of the handling permit.

(4) The issuer of the permit shall send the amendment to the handling permit to the holder of the handling permit by post or by electronic means within three working days as of making the decision.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

### **§ 122<sup>27</sup>. Expiry of handling permit and specifications of validity**

(1) The validity of a handling permit shall expire upon:

- 1) revocation of the handling permit;
- 2) dissolution of the holder of the handling permit.

(2) A handling permit shall not expire in the case of a merger, division or transformation of an operator.

(3) In the case of a merger, the handling permit issued pursuant to this Act remains valid with regard to the company being acquired with the same conditions as the handling permit of the acquiring company. In the case of a merger whereby a new company is founded, the handling permit issued pursuant to this Act remains valid with the same conditions as the handling permit of the company being founded.

(4) In the case of a division, the handling permit issued pursuant to this Act remains valid with regard to the company being divided with the same conditions as the handling permit of the recipient company insofar as the assets transferred to the recipient company are used for the activity conducted on the basis of the handling permit. If necessary, the company being divided and the recipient company shall request that the conditions of the handling permit be amended.

(5) In the case of a transformation, the handling permit issued pursuant to this Act remains valid with regard to the company being transformed with the same conditions as the handling permit of the new company.

(6) The holder of a handling permit is required to inform the issuer of the permit of transfer of the handling permit within 14 working days as of the formalising of the transfer.

(7) In the cases specified in subsections (3)-(5) of this section, the issuer of the permit shall make a decision at the request of the former or new holder of the handling permit by which the data of the handling permit and the conditions of the handling permit are amended.

(8) The provisions of subsections (3)-(5) of this section shall not affect the right of the issuer of the permit to revoke the handling permit on the bases provided by this Act.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

### **§ 122<sup>28</sup>. Revocation of handling permit**

(1) The issuer of the permit shall revoke the handling permit, if:

- 1) so requested by the holder of the handling permit;
- 2) it becomes evident that, upon application for the handling permit, the applicant for the handling permit knowingly submitted misleading or inaccurate data or other information or falsified documents;
- 3) it becomes evident that the operation of the holder of the handling permit does not comply with the minimum certification requirements established for companies by Commission Regulation (EC) No 303/2008 or Commission Regulation (EC) No 304/2008 and the requirements provided for the holder of the handling permit by this Act and on the basis thereof;
- 4) the holder of the handling permit fails to perform the obligations provided for in this Act or legislation established on the basis thereof or fails to fulfil the conditions of the handling permit;
- 5) the holder of the handling permit unlawfully transfers the rights arising from the handling permit to a third party;
- 6) compulsory dissolution has been imposed on the holder of the handling permit for any offence and a court judgment to this effect has entered into force;
- 7) the holder of the handling permit has systematically or materially violated the requirements for handling fluorinated greenhouse gases;
- 8) it becomes evident that circumstances exist which, pursuant to this Act, constitute a basis for refusal to grant a handling permit.

(2) Violation of the requirements for handling of fluorinated greenhouse gases is deemed to be systematic if the holder of the handling permit has violated the requirements arising from the legislation concerning fluorinated greenhouse gases on more than five occasions during a calendar year.

(3) Violation of the requirements for handling of fluorinated greenhouse gases is deemed to be material if the acts or omissions of the holder of the handling permit cause significant leakage from the products, equipment or systems maintained by the holder of the handling permit. Leakage is deemed to be significant if it exceeds 200% of the actual contents of the product, equipment or system after its installation within one year.

(4) If the circumstances underlying the revocation of a handling permit as provided for in subsection (1) of this section can be eliminated, the issuer of the permit shall grant the holder of the handling permit a reasonable term to eliminate the circumstances underlying the revocation.

(5) The issuer of the permit shall send the decision on revocation of a handling permit to the holder of the handling permit by post or by electronic means within three working days as of making the decision.

(6) The notice on revocation of a handling permit shall be made public on the website of the issuer of the permit within three days as of revocation of the handling permit.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 122<sup>29</sup>. Proposal for revocation of handling permit**

If material or systematic violations of the obligations specified in the European Union regulations specified in subsection 122<sup>14</sup>(2) of this Act are ascertained in the course of supervision, the authority supervising the operation of the holder of the handling permit may propose to the issuer of the permit to revoke the handling permit.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 122<sup>30</sup>. Obligation of holder of the handling permit to inform of amendment of data submitted in application of handling permit**

The holder of a handling permit shall immediately notify the issuer of the permit of changes in its business name, registry code and contact details, number of employees holding professional or partial professional personnel certificates, their professional levels and work equipment and increase in the work volume by 20% or more, which may affect the handling operations permitted by the handling permit, and if appropriate apply for amendment of the handling permit.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 122<sup>31</sup>. Specific procedure for application for and issue of handling permit, detailed requirements and formats of application for handling permit**

Specific procedure for application for and issue of a handling permit, detailed requirements and formats of an application for a handling permit shall be established by a regulation of the Minister of the Environment.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 122<sup>32</sup>. Public list of holders of handling permit**

The list of the holders of a handling permit shall be made public on the website of the issuer of the permit.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 122<sup>33</sup>. State fee for application for or amendment of handling permit**

An applicant shall pay a state fee for review of an application for issue or amendment of a handling permit according to the rate provided for in the State Fees Act.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 122<sup>34</sup>. Permissible leakage limit values of products, equipment and systems containing fluorinated greenhouse gases and ensuring access to products, equipment or systems containing fluorinated greenhouse gases**

(1) Permissible leakage limit values of the products, equipment and systems containing fluorinated greenhouse gases shall be established by a regulation of the Minister of the Environment.

[RT I, 04.07.2012, 4 - entry into force 01.03.2013]

(2) An operator of products, equipment or systems containing fluorinated greenhouse gases shall ensure access to the supervisory authority to the detachable connections of the products, equipment or systems in so far as it is technically possible.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 122<sup>35</sup>. Labelling of products, equipment and systems containing fluorinated greenhouse gases**

(1) The products, equipment and systems containing fluorinated greenhouse gases specified in Article 7 of Regulation (EC) No 842/2006 of the European Parliament and of the Council may be marketed in the Republic of Estonia only in the case such products, equipment and systems bear labelling in the Estonian language which complies with the requirements of Commission Regulation (EC) No 1494/2007 and the Chemicals Act.

(2) The label of a product, equipment or system containing fluorinated greenhouse gases with a FOKA registry code (hereinafter *FOKA label*) shall be affixed close to the opening for servicing of the product, equipment or system.

(3) The FOKA label specified in subsection (2) of this section shall be firmly fixed in its place and shall be clearly legible during the whole time the product, equipment or system contains fluorinated greenhouse gases. [RT I, 04.07.2012, 4 - entry into force 01.03.2013]

### **§ 122<sup>36</sup>. Requirements for handling and reporting on fluorinated greenhouse gases**

(1) The authority consolidating data on handling of fluorinated greenhouse gases shall submit to the Ministry of the Environment by 20 September each year the data on the quantities and types, product types and handling of fluorinated greenhouse gases contained in the products, equipment and systems within its area of responsibility. [RT I, 04.07.2012, 4 - entry into force 15.07.2012]

(2) Sellers of fluorinated greenhouse gases shall submit to the Ministry of the Environment by 20 September each year a report on the quantities and types of gases marketed by such sellers in the Republic of Estonia. [RT I, 04.07.2012, 4 - entry into force 15.07.2012]

(3) Persons producing products, equipment and systems containing fluorinated greenhouse gases shall submit to the Ministry of the Environment by 20 September each year a report on the quantities and types of gases used in production, loss of substance in the manufacturing process and types of products marketed in the Republic of Estonia. [RT I, 04.07.2012, 4 - entry into force 15.07.2012]

(4) A shipowner for the purposes of the Maritime Safety Act shall submit a report to the Ministry of the Environment by 20 September each year on the quantities of substances contained in the refrigerating units, air-conditioning appliances or fire protection systems containing fluorinated greenhouse gases and used by the watercraft which fly the flag of the Republic of Estonia and are in the shipowner's possession, and loss of substance during the use thereof. [RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(5) A rail transport undertaking for the purposes of the Railways Act shall submit a report to the Ministry of the Environment by 20 September each year on the rail vehicles in the possession of the undertaking which are registered in the state railway traffic register and are used in Estonia. The report shall indicate the number of the railcars and locomotives equipped with refrigerating units, air-conditioning appliances or fire protection systems containing fluorinated greenhouse gases, the quantities and types of fluorinated greenhouse gases contained therein and loss of substance during the use thereof. [RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(6) The procedure for handling of and reporting on fluorinated greenhouse gases, the formats of the reports, the list of the authorities consolidating data on handling thereof and the specific competence requirements for persons handling the products, equipment and systems containing fluorinated greenhouse gases shall be established by a regulation of the Government of the Republic. [RT I, 12.07.2013, 1 - entry into force 01.08.2013]

### **§ 122<sup>37</sup>. Supervision over compliance with requirements for handling fluorinated greenhouse gases**

Supervision over compliance with the requirements for handling fluorinated greenhouse gases is exercised by:

- 1) the Environmental Inspectorate - over compliance of an operator and the operations thereof with the requirements for handling of fluorinated greenhouse gases specified in this Act, legislation established on the basis thereof and the European Union regulations specified in subsection 122<sup>14</sup>(2) of this Act;
- 2) the Tax and Customs Board – over compliance with the requirements import and export of products, equipment and systems containing fluorinated greenhouse gases, including the requirements for labelling of the products, equipment and systems containing fluorinated greenhouse gases;
- 3) professional institutions specified in § 6 of the Professions Act – over the requirements for awarding of professional qualifications pursuant to the Professions Act to the personnel specified in Regulation (EC) No 842/2006 of the European Parliament and of the Council and the Commission Regulation specified in subsection 122<sup>17</sup>(2) of this Act.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

### **§ 122<sup>38</sup>. Rights of supervisory authority upon ensuring compliance with requirements for handling of and reporting on fluorinated greenhouse gases, and entry of data in FOKA register**

(1) The supervisory authority shall have the right to issue precepts upon ensuring compliance with the requirements for handling of and reporting on fluorinated greenhouse gases, and entry of data in FOKA register provided by this Act.

(2) Upon failure to comply with the precepts specified in subsection (1) of this section, a penalty payment may be imposed by supervisory officials pursuant to the procedure provided by the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 3200 euros. [RT I, 04.07.2012, 4 - entry into force 15.07.2012]

## **Chapter 8**



# ENVIRONMENTAL NOISE

## Division 1

### Level of Environmental Noise and Noise Indicators

#### § 123. Environmental noise

For the purposes of this Act, environmental noise shall mean unwanted or harmful outdoor sound created by human activities and unwanted or harmful sound created by stationary or mobile sources of pollution. Unjustified creation of noise is prohibited.

#### § 124. Standard noise level

The standard level of environmental noise is the standard value of the level of noise expressed in figures and used to assess different noise situations.

#### § 125. Limit values of noise

The limit value of noise is the maximum permitted level of noise which exceeding requires enforcement of mitigation measures.

#### § 126. Critical level of noise

The critical level of noise is a level of noise which exceeding creates an unsatisfactory noise situation, causes a significant annoyance to people and requires the application of measures for the protection of human health.

#### § 127. Target level of noise and requirements for plans

(1) The target level of noise is the standard noise level used for newly planned areas and with the aim of improving the existing noise situation.

(2) The requirements for compilation of plans with the aim of limiting environmental noise shall be established by a regulation of the Minister of the Environment.

#### § 128. Noise indicators

Noise indicator shall mean the assessed noise level taking account of the harmful effect of noise.

#### § 129. Methods for determination and assessment of noise levels

(1) The standard level of environmental noise and the methods for determination and assessment of noise levels shall be established by a regulation of the Minister of Social Affairs.

(2) Local government bodies have the right to establish, with regard to their administrative territories or parts thereof, standard levels for environmental noise which are up to 50 per cent more stringent than the standard levels established on the basis of subsection (1) of this section.

## Division 2

### Mapping of Environmental Noise, Strategic Environmental Noise Map and Action Plan for Reduction of Environmental Noise

#### § 130. Noise mapping

(1) Mapping of environmental noise of an area shall mean the description of existing or predicted noise levels and compliance thereof with established standard noise levels in terms of a noise indicator, taking account of the number of people or dwellings exposed to noise which exceeds the standard levels.

(2) Where the standard levels of noise are exceeded, the possessor of the source of noise shall organise, on the proposal of the Health Board, mapping of the environmental noise or assessment of the noise levels at the expense of the operator of the noise source.

[RT I, 15.11.2012, 3 - entry into force 01.01.2013]

### **§ 131. Strategic environmental noise map**

(1) In order to provide a general assessment or general forecast of the noise levels created by various noise sources, a strategic environmental noise map shall be prepared.

(2) A strategic environmental noise map shall include the noise sources causing the spreading of noise, the extent of the spread of existing or predicted noise, location of inhabitants and dwellings, data on the number of inhabitants and construction works, specific characteristics of the construction works and other necessary data.

### **§ 132. Action plan for reduction of environmental noise**

(1) An action plan for the reduction environmental noise deals with the measures for reducing noise and the impact of noise.

(2) An action plan for the reduction of environmental noise shall set out a list of planned measures, including the cost of such measures, the persons who are responsible for applying the measures and the term for application thereof.

### **§ 133. Content of strategic environmental noise map and action plan for reduction of noise**

Minimum requirements for the content of strategic environmental noise maps and action plans for reducing noise shall be established by a regulation of the Minister of Social Affairs.

### **§ 134. Preparation and approval of strategic environmental noise maps and action plans for reducing noise and frequency of their review**

(1) Strategic environmental noise maps and action plans for reducing noise shall be prepared and submitted to the Health Board for approval by:

[RT I 2009, 49, 331 - entry into force 01.01.2010]

- 1) possessors of sources of environmental noise such as ports, airports, bus stations or railway stations, if the source is unambiguously clear;
- 2) owner of a road;
- 3) owner of a railway;
- 4) the local government body of an densely populated area.

(2) The person who prepared an environmental noise map or an action plan for reducing noise shall be review such document, amend them as necessary and submit the map or plan for approval to the Health Board at least once every five years.

[RT I 2009, 49, 331 - entry into force 01.01.2010]

## **Division 3 Supervision over Environmental Noise**

### **§ 135. Duties of supervisory authority**

(1) Supervision over environmental noise shall be exercised by the Health Board.  
[RT I 2009, 49, 331 - entry into force 01.01.2010]

(2) The Health Board shall:

[RT I 2009, 49, 331 - entry into force 01.01.2010]

- 1) collect the strategic environmental noise maps and action plans reducing noise;
- 2) verify the compliance of the strategic environmental noise maps and action plans for reducing noise with the requirements provided by this Act and legislation established on the basis thereof;  
[RT I 2007, 19, 95 - entry into force 11.03.2007]
- 3) approve the strategic environmental noise maps and plans for reducing noise;
- 4) prepare consolidated data on the basis of information contained in the strategic environmental noise maps and action plans for reducing noise, and enter the data together with environmental mapping results in an electronic data base;
- 5) make the consolidated data known to the public through media.

### **§ 136. Rights of supervisory official**

(1) A supervisory official has the right:

- 1) to demand explanations and documents from persons causing environmental noise and, with the knowledge of the persons causing environmental noise or their representatives, use results of measurements or technical equipment for recording noise;
- 2) to receive, free of charge, excerpts from documents and up to two copies of each relevant document from persons causing environmental noise.

(2) An official of state supervision over health protection may issue precepts:

- 1) for restricting or terminating the operation of a stationary source of pollution if the noise levels emitted thereby exceed the standard or critical environmental noise levels;
- 2) for preparation of a strategic environmental noise map or action plan for reducing environmental noise and for bringing the map or plan into conformity with the requirements provided by this Act.

(3) Upon failure to comply with the precepts specified in subsection (2) of this section, a penalty payment may be imposed by supervisory officials pursuant to the procedure provided by the Substitutive Enforcement and Penalty Payment Act.

(4) The upper limit of penalty payment specified in subsection (3) of this section is 640 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

#### **§ 137. Audit measurement tests of noise levels**

If the Health Board conducts audit measurement tests for verifying noise levels based on complaints from the people and the results of the tests indicate that the standard noise levels have been exceeded, the operator of the source of pollution shall pay for the tests.

[RT I 2009, 49, 331 - entry into force 01.01.2010]

#### **§ 138. Prevention of exceeding standard noise levels**

In order to prevent the exceeding of the standard levels of environmental noise, the local government body has the right to restrict, through traffic management, the movement of motor vehicles within its territory.

## **Chapter 9 LIABILITY**

#### **§ 139. Violation of requirements for protection of ambient air and greenhouse gas emissions trading**

(1) Violation of the ambient air protection requirements is punishable by a fine of up to 100 fine units.

(2) An act specified in subsection (1) of this section, if committed by a legal person, is punishable by a fine of up to 2000 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) Violation of the requirements for greenhouse gas emissions trading is punishable by a fine of up to 300 fine units.  
[RT I, 12.07.2013, 1 - entry into force 01.08.2013]

(4) An act specified in subsection (3) of this section, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

#### **§ 139<sup>1</sup>. Marketing and illegal use of paints, varnishes and refinishing products of vehicles containing volatile organic compounds, which volatile organic compounds do not comply with limit values**

(1) Marketing and illegal use of paints, varnishes and refinishing products of vehicles containing volatile organic compounds, which volatile organic compounds do not comply with limit values is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

#### **§ 139<sup>2</sup>. Violation of requirements for preparation and implementation of action plan for reducing odoriferous substances**

(1) Violation of the requirements for preparation and implementation of action plans for reducing odoriferous substances is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

**§ 140. Violation of restrictions on import and export of products prohibited in order to protect ozone layer**

[Repealed - RT I, 04.07.2012, 4 - entry into force 15.07.2012]

**§ 141. Illegal handling of products prohibited in order to protect ozone layer and of products, equipment or containers containing or relying on such substances**

(1) s(1) Illegal handling of products prohibited in order to protect ozone layer and of products, equipment or containers containing or relying on such substances is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6400 euros.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

**§ 141<sup>1</sup>. Violation of requirements for capture, transportation of and reporting on geologically stored carbon dioxide**

(1) Violation of the requirements for capture, transportation of and reporting on geologically stored carbon dioxide is punishable by a fine of up to 300 fine units.

(2) An act specified in subsection (1) of this section, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I, 21.12.2011, 1 - entry into force 31.12.2011]

**§ 141<sup>2</sup>. Exceeding of permitted limit values of leakage of products, equipment and systems containing fluorinated greenhouse gases, violation of requirements for restriction of leakage and failure to eliminate leakage**

(1) Exceeding of the permitted limit values of leakage of the products, equipment and systems containing fluorinated greenhouse gases, violation of the requirements for the restriction of leakage of the products, equipment and systems containing fluorinated greenhouse gases established by Article 3 of Regulation (EC) No 842/2006 of the European Parliament and of the Council, Commission Regulation (EC) No 1497/2007 and Commission Regulation (EC) No 1516/2007 and failure to eliminate the leakage is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6400 euros.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

**§ 141<sup>3</sup>. Failure to comply with requirements for capture of fluorinated greenhouse gases from products, equipment and systems**

(1) Emission, upon the handling of the products, equipment and systems containing fluorinated greenhouse gases laid down in Article 4 of Regulation (EC) No 842/2006 of the European Parliament and of the Council, of the substance contained therein instead of immediate capture thereof and violation of the requirements for proper recovery of the residual gases contained in refillable or non-refillable containers when they reach the end of their life is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6400 euros.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

**§ 141<sup>4</sup>. Violation of requirement for destruction of fluorinated greenhouse gases**

(1) Violation of the requirements for destruction of fluorinated greenhouse gases pursuant to Article 2 of Regulation (EC) No 842/2006 of the European Parliament and of the Council is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6400 euros.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

**§ 141<sup>5</sup>. Violation of requirements for labelling of products, equipment and systems containing fluorinated greenhouse gases**

(1) Violation of the procedure for labelling of the products, equipment and systems containing fluorinated greenhouse, including violation of the requirements for labelling the fluorinated greenhouse gases laid down

in Article 5 of Regulation (EC) No 842/2006 of the European Parliament and of the Council and Commission Regulation (EC) No 1494/2007 is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6400 euros.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 141<sup>6</sup>. Failure to submit report on production and import and export of fluorinated greenhouse gases to European Commission**

(1) Failure to submit to the European Commission the report on the production and import and export of the fluorinated greenhouse gases laid down in Article 6 of Regulation (EC) No 842/2006 of the European Parliament and of the Council and the Regulation (EC) No 1493/2007 of the European Commission is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6400 euros.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 141<sup>7</sup>. Illegal marketing of products, equipment and systems containing fluorinated greenhouse gases**

(1) Marketing of prohibited products, equipment and systems containing fluorinated greenhouse gases specified in Article 9 of Regulation (EC) No 842/2006 of the European Parliament and of the Council is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6400 euros.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 141<sup>8</sup>. Violation of requirement to report on fluorinated greenhouse gases**

(1) Failure to submit the report on fluorinated greenhouse gases specified in subsections 122<sup>36</sup>(2)-(5) of this Act is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 141<sup>9</sup>. Handling of products, equipment and systems containing fluorinated greenhouse gases by non-certified personnel or operators**

(1) Handling of the products, equipment and systems containing fluorinated greenhouse gases by non-certified personnel is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6400 euros.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 141<sup>10</sup>. Violation of requirements for entry of data relating to substances that deplete ozone layer or fluorinated greenhouse gases in FOKA register**

(1) Violation of the requirements for entry of the data relating to substances that deplete the ozone layer or fluorinated greenhouse gases in FOKA register is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 141<sup>11</sup>. Violation of requirements for preservation of maintenance records and ensuring availability thereof**

(1) Failure to preserve the maintenance records of equipment containing substances that deplete the ozone layer or fluorinated greenhouse gases during the prescribed term and to ensure availability for the person maintaining

the equipment on the site of the equipment and for the person verifying the maintenance and handling of the equipment  
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,  
is punishable by a fine of up to 3200 euros.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 142. Violation of requirements for environmental noise mapping, strategic ambient air maps and action plans for reducing environmental noise**

(1) Violation of the requirements for environmental noise mapping, strategic ambient air maps and action plans for reducing environmental noise  
is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person,  
is punishable by a fine of up to 2000 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

#### **§ 143. Proceedings**

(1) The provisions of the General Part of the Penal Code and of the Code of Misdemeanour Procedure apply to the proceeding of the misdemeanours provided for in §§ 139–1392 and 141–142 of this Act.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

(2) The Environmental Inspectorate shall conduct extra-judicial proceedings in the matters of the misdemeanours provided for in §§ 139, 139<sup>2</sup> and 141–141<sup>11</sup> of this Act.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

(2<sup>1</sup>) Extra-judicial proceedings concerning the misdemeanours provided for in § 139<sup>1</sup> of this Act shall be conducted by:

[RT I 2007, 19, 95 - entry into force 11.03.2007]

- 1) the Environmental Inspectorate – with regard to compliance with the requirements for use of paints, varnishes and refinishing products for vehicles containing volatile organic compounds;
  - 2) the Consumer Protection Board – with regard to compliance with the retail sale requirements for paints, varnishes and refinishing products for vehicles containing volatile organic compounds;
  - 3) the Tax and Customs Board – with regard to compliance with the requirements for import of paints, varnishes and refinishing products for vehicles containing volatile organic compounds;
  - 4) the Health Board – with regard to compliance with the requirements for paints, varnishes and refinishing products for vehicles in wholesale containing volatile organic compounds at wholesale.
- [RT I 2009, 49, 331 - entry into force 01.01.2010]

(3) The Health Board shall conduct extra-judicial proceedings in the misdemeanours provided for in § 142 of this Act.  
[RT I 2009, 49, 331 - entry into force 01.01.2010]

#### **§ 144. Compensation for damage**

Damage caused by emission of pollutants into the ambient air or violation of the requirements of this Act shall be compensated for by the person who caused the damage pursuant to the Law of obligations Act.

## **Chapter 10 SUPERVISION**

#### **§ 145. Failure to comply with requirements of environmental protection measures precepts of Environmental Inspectorate and Health Board**

[RT I 2009, 49, 331 - entry into force 01.01.2010]

(1) In the case of failure to comply with the requirements of environmental protection measures precepts of the Environmental Inspectorate or the Health Board, the administrative authority shall impose a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.  
[RT I 2009, 49, 331 - entry into force 01.01.2010]

(2) The upper limit of penalty payment specified in subsection (1) of this section is 640 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

## **Chapter 11**

## IMPLEMENTING PROVISIONS

### § 146. Action plan for reducing emissions of volatile organic compounds released upon use of solvents

[Repealed - RT I, 16.05.2013, 1 - entry into force 01.06.2013]

### § 147. Preparation of action plan for reducing emissions of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia released by stationary sources of pollution

[Repealed - RT I, 15.11.2012, 3 - entry into force 01.01.2013]

### § 148. Application for building permit for new stationary source of pollution

Where a building permit for a new source of pollution is applied for after the entry into force of this Act, a pollution permit or integrated environmental permit shall be applied for before application for the building permit.

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

### § 149. Requirements for desulphurisation rates of combustion plants

[Repealed - RT I, 16.05.2013, 1 - entry into force 01.06.2013]

### § 150. Greenhouse gas emissions trading

(1) Operators who obtain permits for emissions pursuant to subsection 120 (2) of this Act may trade with greenhouse gas emissions since 1 January 2005.

[RT I, 05.07.2011, 25 - entry into force 15.07.2011]

(2) Subsection 120<sup>2</sup>(2) of this Act is applied as of 1 January 2009.

[RT I 2007, 19, 95 - entry into force 11.03.2007]

### § 150<sup>1</sup>. Surrender of emission allowance credits

The requirement to surrender emission allowance credits established on the basis of subsection 120 (3) of this Act shall not be applied from 1 January 2013 to such emissions which have been verified pursuant to the procedure established on the basis of subsection 120 (3) of this Act and transported for geological storage to an installation which holds a valid permit for this purpose pursuant to the Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC and Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 05.06.2009, p. 114-135).

[RT I, 21.12.2011, 1 - entry into force 31.12.2011]

### § 150<sup>2</sup>. Submission of estimate of possible functioning of capture and transportation of carbon dioxide emitted by large combustion plants

Operators of large combustion plants with the electrical output of the combustion plants of 300 megawatts or more and with a building permit issued for the combustion plant after 24 June 2009 shall submit the estimate specified in subsection 122<sup>10</sup>(1) of this Act to the Ministry of the Environment by 31 March 2012.

[RT I, 21.12.2011, 1 - entry into force 31.12.2011]

### § 150<sup>3</sup>. Obligation to register products, equipment, systems or containers containing three kilograms or more of fluorinated greenhouse gases and substances that deplete ozone layer in FOKA register and to keep and preserve maintenance records

(1) Products, equipment, systems or containers acquired before the entry into force of this section and containing three kilograms or more of fluorinated greenhouse gases or substances that deplete the ozone layer shall be registered in the FOKA register no later than by 1 January 2013.

(2) Operators are obliged to keep maintenance records of the equipment containing substances that deplete the ozone layer or fluorinated greenhouse gases until the date specified in subsection (1) of this section.

(3) Operators are obliged to preserve the maintenance records specified in subsection (2) of this section until 31 January 2017 and ensure access to the maintenance records for persons maintaining the equipment and persons verifying the maintenance and handling of the equipment.

[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 150<sup>4</sup>. Obligation application for handling permit**

(1) Persons operating in the areas of activity specified in subsection 122<sup>21</sup>(1) of this Act who operated in such area of activity before the entry into force of this provision, shall submit an application for a handling permit to the issuer of the permit no later than by 1 October 2012.

(2) In the case of an application for a handling permit submitted pursuant to subsection (1) of this section, the issuer of the permit may determine, if necessary, a term different from the term provided for in subsection 122<sup>24</sup>(2) of this Act for making a decision on the issue of or refusal to issue a handling permit.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 150<sup>5</sup>. Obligation to submit reporting on fluorinated greenhouse gases**

The reports specified in subsections 122<sup>36</sup>(1)-(5) of this Act shall be submitted from 2014.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

#### **§ 151. Content of strategic environmental noise map and action plan for reducing environmental noise**

(1) Pursuant to subsection 134 (1) of this Act, the following shall submit a strategic environmental noise map not later than by 30 June 2007 and an action plan for reducing environmental noise not later than by 18 July 2008:

- 1) a local government body of an densely populated area containing at least 250,000 inhabitants;
- 2) the owner of a road used by more than six million vehicles a year;
- 3) the owner of a railway used by more than 60,000 rail vehicles a year;
- 4) the owner of an airport where over 50,000 take-offs and landings take place in a year, except for those related to the use of light aircraft for training purposes.

(2) Pursuant to subsection 134 (1) of this Act, the following shall submit a strategic environmental noise map not later than by 30 June 2012 and an action plan for reducing environmental noise not later than by 18 July 2013:

- 1) a local government body of an densely populated area containing at least 100,000 inhabitants;
- 2) the owner of a road used by more than three million vehicles a year;
- 3) the owner of a railway used by more than 30,000 rail vehicles a year.

**§ 152.–§ 154.**[Omitted from this text]

#### **§ 155. Entry into Force of Act**

(1) This Act enters into force on 30 September 2004.

(2) Subsection 96 (1) of this Act enters into force on 27 November 2004.

(3) The written declarations specified in § 101 of this Act may be submitted and the contracts specified in § 101 of this Act may be entered into until 1 November 2004.

(4) Subsection 32 (4) of this Act enters into force on 30 April 2007.  
[RT I 2007, 19, 95 - entry into force 11.03.2007]

(5) Subsection 120<sup>5</sup>(3) of this Act shall apply retroactively as of 1 July 2011.  
[RT I, 04.07.2012, 4 - entry into force 15.07.2012]

<sup>1</sup>Council Directive 1999/62/EC on ambient air quality assessment and management (OJ L 296, 21.11.1996, p. 55-63); Council Directive 1999/30/EC relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air (OJ L 163, 29.06.1999, p. 41-60); Directive 2000/69/EC of the European Parliament and of the Council 2000/69/EC relating to limit values for benzene and carbon monoxide in ambient air (OJ L 313, 13.12.2000, p. 12-21); Directive 2002/3/EC of the European Parliament and of the Council relating to ozone in ambient air (OJ L 67, 09.03.2002, p. 14-30); Council Directive 1984/360/EEC on the combating of air pollution from industrial plants (OJ L 188, 16.07.1984, p. 20-25); Council Directive 1996/61/EC concerning integrated pollution prevention and control (OJ L 257, 10.10.1996, p. 26-40); Council Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations (OJ L 85, 29.03.1999, p. 1-22); Directive 2001/80/EC of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants (OJ L 309, 27.11.2001, p. 1-21). Directive 2001/81/EC of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants (OJ L 309, 27.11.2001, p. 22-30). Council Regulation (EEC) No 1210/90 on the establishment of the European Environment Agency and the European environment information and observation network (OJ L 120, 11.05.1990, p. 1-6); Council Directive 1970/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from positive-ignition engines of motor vehicles (OJ L 76, 06.04.1970, p. 1-22); Directive 1997/68/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery (OJ L 59, 27.02.1998, p. 1-86); Council



Directive 1974/150/EEC on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural to forestry tractors (OJ L 84, 28.03.1974, p. 10-24); Directive 1999/94/EC of the European Parliament and of the Council, relating to the availability of consumer information on fuel economy and CO<sub>2</sub> emissions in respect of the marketing of new passenger cars (OJ L 12, 18.01.2000, p. 16-23); Directive 1994/63/EC of the European Parliament and of the Council on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations (OJ L 365, 31.12.1994, p. 24-33); Commission Decision 2002/159/EC on a common format for the submission of summaries of national fuel quality data (OJ L 53, 23.02.2002, p. 30-36); Regulation (EC) No 2037/2000 on substances that deplete the ozone layer (OJ L 244, 29.09.2000, p. 1-24); Council Decision 93/389/EEC for a monitoring mechanism of Community CO<sub>2</sub> and other greenhouse gas emissions (OJ L 167, 09.07.1993, p. 31-33); Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 1996/61/EC (OJ L 275, 25.10.2003, p. 32-46); Directive 2002/49/EC of the European Parliament and of the Council, relating to the assessment and management of environmental noise (OJ L 189, 18.07.2002, p. 12-25); Directive 2004/107/EC of the European Parliament and of the Council relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (OJ L 23, 26.01.2005, p. 3-16); Directive 2004/42/EC of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (OJ L 143, 30.04.2004, p. 87-96); Directive 2004/101/EC of the European Parliament and of the Council amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms (OJ L 338, 13.11.2004, p. 18-23); Directive 1998/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels and amending Council Directive 1993/12/EEC (OJ L 350, 28.12.1998, p. 58-68); Directive 2003/17/EC of the European Parliament and of the Council amending Directive 1998/70/EC on the quality of petrol and diesel fuels (OJ L 76, 22.03.2003, p. 10-19). Council Directive 1999/32/EC relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 1993/12/EEC (OJ L 121, 11.05.1999, p. 13-18), amended by Directive 2005/33/EC (OJ L 191, 22.07.2005, p. 59-69), amended by Directive 2009/30/EU (OJ L 140, 22.07.2005, pp. 88-113); Directive 2003/30/EC of the European Parliament and of the Council on the promotion of the use of biofuels or other renewable fuels for transport (OJ L 123, 17.05.2003, p. 42-46); Commission Decision 2002/159/EC on a common format for the submission of summaries of national fuel quality data (OJ L 53, 23.02.2002, p. 30-36); Directive 2002/30/EC of the European Parliament and of the Council on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports (OJ L 85, 28.03.2002, p. 40-46); Directive 2005/55/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 275, 20.10.2005, p. 1-163), amended by Directive 2006/51/EC (OJ L 152, 07.06.2006, p. 11-21); Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 1991/689/EEC and 1996/61/EC (OJ L 33, 04.02.2006, p. 1-17); Commission Regulation (EC) No 2216/2004 for a standardised and secured system of registries pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council (OJ L 386, 29.12.2004, p. 1-77). Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe (OJ L 152, 11.06.2008, p. 1-44); Directive 2008/101/EC of the European Parliament and of the Council amending Council Directive 2003/87/EEC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (OJ L 8, 13.01.2009, p. 3-21); Directive 2009/29/EC of the European Parliament and of the Council amending Council Directive 2003/87/EEC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community (OJ L 140, 05.06.2009, p. 63-87); Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive 1985/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 05.06.2009, p. 114-135). [RT I, 15.11.2012, 3 - entry into force 01.01.2013]